

Journal of Environmental and Sustainability Law

Missouri Environmental Law and Policy Review
Volume 4
Issue 1 1996

Article 3

1996

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Recommended Citation

Wendy Hickey, *Commentary on Midwest Interstate Low-Level Radioactive Waste Compact: Interviews with David Shorr, Director of Missouri's Department of Natural Resources, and Kay Drey, Anti-Nuclear Activist*, 4 Mo. Env'tl. L. & Pol'y Rev. 8 (1996)

Available at: <https://scholarship.law.missouri.edu/jesl/vol4/iss1/3>

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Commentary on Midwest Interstate Low-Level Radioactive Waste Compact: Interviews with David Shorr, Director of Missouri's Department of Natural Resources and Kay Drey, Anti-Nuclear Activist by Wendy Hickey

The following excerpts interviews conducted with two persons with opposing views about the Senate Bill 854 and the compact system:

A. David Shorr Interview

MELPR: Did you encounter much resistance from members of the Missouri Legislature in passing Senate Bill 854?

DS: If it was thumbs down, the whole issue became why are we in the compact in the first place. No one raised these issues.

MELPR: Did you have a contingency plan for the possibility that the bill might fail?

DS: We didn't have a contingency plan because it was all up to the General Assembly and if they voted no, we would have to go back and re-evaluate our membership in the compact. We simply tried to state our state's position and let the General Assembly vote. We presented the facts and responded to questions more than actively lobbying for the bill. The question was one of whether or not you accept the principal of sharing responsibility for radioactive waste disposal.

MELPR: What portion of the compact amendments are most favorable to Missouri?

DS: The bill is beneficial for Missouri in its entirety because it deals with the handling of low-level radioactive waste. The big philosophical question is whether or not we should have nuclear energy. This is not that battle. The genie is already out of the bottle. We are here to deal with the waste that is produced. Sharing and rotating the burden has a lot of merit.

However, the compact system has not been successful but our Midwest Compact has been aggressive in keeping moving whereas others haven't been doing anything quickly.

MELPR: Why was Missouri the last state to pass the compact amendments?

DS: Just a matter of timing. Our state legislative session was the last chronologically.

MELPR: Opponents have expressed concern that the language in the compact does not adequately protect our state from liability. Please comment.

DS: I disagree. I think liability is covered adequately. No state wants to be on the hook by itself but in this arrangement all states get together on liability issues so instead of one state incurring the expenses you've got several parties to contribute. So in the question of a courtroom forum, I think Missouri gains, not loses.

MELPR: Opponents also criticize the compact system from a safety aspect, in particular that transporting low-level radioactive waste to other states for storage is creating more danger. Do you agree?

DS: Our waste is currently stored on-site. It's in our interest to make sure it does not just sit there but to consolidate it. I have significant problems with storing it on-site. For example, a fire department personnel reporting to a fire at Barnes Hospital is going to have to know where their waste is stored.

MELPR: Where will Missouri generators store waste after Barnwell shuts down and before Ohio opens a

facility?

DS: There are some private ventures available in Utah and Connecticut but it all depends on the cost.

MELPR: Is Ohio progressing and to what point?

DS: Their progress has been reasonable. All the legislation has been passed and the compact has given Ohio funding to start siting. There's a schedule in the compact which is a good provision and says that Ohio has to start their commitment at a certain date or pay damages, which is a much better way of doing business.

MELPR: How do you think *New York v. United States* effected the compact scheme?

DS: You judge things by their success. It was a good idea at the time but as of yet, no new sites have been built so if that was the purpose, so far the system hasn't been productive. We saw some movement after Barnwell shut down and then when it opened back up we moved more slowly. As long as there is a relief valve, the system isn't going to be as productive as it should be. At least the people running the Midwest Compact are dedicated to getting something accomplished.

MELPR: Have you encountered much political controversy surrounding this issue in Missouri and do you anticipate much political turbulence when it's our turn to be the host state?

DS: I have just been explaining to people that this is not a philosophical debate about whether or not we should have nuclear energy. We have it and now we must deal with the consequences. I can't hide the fact that Ohio being the first host state did make a difference. The compact system, as flawed as it is has advantages for Missouri. It's naive to think that if Missouri chose to go it alone, the facility would only be used for Missouri waste. Being in the

middle of the country has its advantages when we want to deliver product, but definite disadvantages in dealing with residue.

Missourians have been willing to accept burdens like these as long as they know what's going on and they have the information. The more information they have about these issues, the more practical they are, the less information, the more emotional. By the time it is Missouri's turn to host, there may be some advance in nuclear waste disposal, but that is getting into the whole issue of closing the loop on the genie. Since we don't know what the final outcome will be, we can only sit and wait.

B. Kay Drey Interview

MELPR: What do you feel is an alternative to the compact scheme?

KD: I think what has to happen, and is happening all over the country is that Congress is going to have to change the law. Each state should go it alone. Since Callaway is over 90% of Missouri's low-level radioactive waste, all the other waste generated by the medical field or through research should be taken there and stored above ground. Incentives are bribes. Most people don't want these facilities built near them and there is no one at the moment willing to accept waste except Utah. Since there is no safe place, as of yet even for the high-level nuclear waste, it is safer to keep it on site at the Callaway plant where we already have it anyway, and

there's enough room for storage, rather than have it out on the roads and endangering workers. This compact system is a farce and there's no way it's going to last long enough for Missouri to take its turn. It's not a solution.

MELPR: Why do you feel Missouri would be in a worse position as a member than if they went it alone and an accident occurred?

KD: The liability language in the compact amendments seems to be very clear that the state will be liable. There was some protective verbiage but if you scratch the surface, we are still going to be liable. There have been electric utilities that have gone bankrupt so the costs will fall on the citizens if any kind of accident occurs. In the event of an accident or contamination, how will the Commission determine whose wastes were responsible and what if the generators are known but cannot be traced? The compact amounts to a series of blank checks made to an appointed commission that is not accountable to the citizens of Missouri.

MELPR: Why do you think there was not more resistance in the Missouri Legislature?

KD: The legislators don't have the time for a complex issue like this. The utilities have strong lobbyists that contribute to campaign coffers. The

Sierra Club chapter in Missouri could not get involved because there are so many engineers in this state reluctant about speaking against nuclear power. Part of the problem is that people think these are technical issues that we can't change but they are moral issues—the land we live on, the air we breathe, the water we drink.

MELPR: Now that the compact amendments have been passed, what do you think are Missouri's options?

KD: The passage of this legislation won't matter because I think Ohio will get out. Most of the Ohio is wet much like Michigan so there is no safe location for a storage facility. You haven't seen any hubbub in Ohio yet because the site hasn't been chosen. Whether or not Ohio passes the ballot amendment is up for grabs.

MELPR: What do you think about the Supreme Court's decision in *New York v. United States*?

KD: I think it was a good decision. The Congress can't make those demands of a state. There are strong states' rights supporters on the Supreme Court and this is one example.