January 2014

The following is a compendium of news reports over the last month that may be of interest to our AG offices who are dealing with DOE sites or general nuclear waste issues. Neither the National Association of Attorneys General nor the National Attorneys General Training & Research Institute expresses a view as to the accuracy of news accounts, nor as to the position expounded by the authors of the hyperlinked articles.

**FEDERAL**

**YUCCA MOUNTAIN LICENSING**

NRC Chairman Allison Macfarlane, along with various NRC commissioners, testified before the United States House of Representatives Energy and Commerce and Energy and Power Committees concerning Yucca Mountain licensing plans. The video and related materials from the hearing can be found here. Chairman Macfarlane’s written testimony can be found here.

**DEPARTMENT OF ENERGY SECRETARY MONIZ**


**NUCLEAR WASTE ADMINISTRATION ACT**

Critical of the Nuclear Waste Administration Act, a physicist believes that the bill does nothing to protect public safety in the immediate future because interim storage sites are unavailable to store fuel for an extended period of time. Instead, he states that a law should be passed that requires nuclear plant owners to store waste in dry casks that are safer than cooling pools.
STATE

Storage, Recycling, or Disposal of Radioactive & Hazardous Waste

At an NRC public meeting to hear comments on its waste confidence rule, members from the nuclear industry and the general public voiced their sentiments on the steps that should be taken to address nuclear waste storage; comments ranged from the need to shutter the industry altogether to the importance of the government establishing a permanent, single national repository.

Questions remain as to whether actual, viable options exist for nuclear waste disposal when comparing two recently published articles. One article focuses on the rising costs that taxpayers must bear, and the other focuses on the site conditions at Hanford.

Mark Cooper, an Economist from Vermont Law School, submitted a statement in response to the NRC’s comment period on its draft Environmental Impact Statement, noting the critical importance of focusing on the actual, exorbitant costs associated with storing and managing nuclear waste. He further declared that acknowledging the substantial costs would make nuclear power a less viable resource than wind, solar, or other energy options.

Attorneys General for New York, Massachusetts, and Vermont, along with the Prairie Island Indian community, issued a voluminous record, criticizing the NRC’s draft study on the long-term storage of used nuclear fuel as being too broad in scope and failing to consider precise information at individual sites.

WASTE CLEANUP

A nuclear waste expert prepared a report that criticizes the EPA for failing to remove radioactive waste from the West Lake Landfill in Bridgeton, Missouri and said that the site is akin to a “de facto nuclear waste disposal site” because of the dangerous cancer-causing thorium material that permeates the site.

UPDATES – WASTE SITES

WASTE ISOLATION PILOT PLANT (WIPP)

A proposed amendment was cut from a Congressional defense bill that would have permitted increased nuclear waste shipments to the WIPP facility. Congressman Steve Pearce introduced the proposal, and the Eddy County, NM government sent a group to Washington in support of the amendment in the bill, known as the National Defense Authorization Act.
HANFORD

DOE has prepared a report that outlines their recommended permanent, disposal plan of approximately 99% of radioactive waste stored at Hanford. DOE intends to transform the waste into a glass-like substance and close the tanks where it is currently stored. Given that the tanks are prone to leaking, the waste must be removed and conversion is the preferred method to prevent future groundwater leaks.

In addition to serving as a cost saving measure, DOE has utilized modern technology at Hanford involving the cloud to update its network operations, enhance flexibility in the workplace, improve security, and increase performance.

SAVANNAH RIVER

South Carolina officials are contemplating levying a fine against DOE for failing to keep its original deadline to remove waste from underground tanks at Savannah River, thereby significantly extending the time period for remediation and increasing the risk of leaks and groundwater contamination.

Conflicting positions (that both support and oppose) have been publicized on whether nuclear waste from Canada and Germany should be sent to Savannah River. The German opposition has cited the importance for Germany to build its own storage facility, and the United States has expressed the need for a permanent repository to exist before the site accepts additional waste.

INTERNATIONAL

WASTE DISPOSAL AND NRC CHAIRMAN

In an interview with the Japanese Asahi Shimbun newspaper, NRC Chairman Allison Macfarlane discussed key elements on waste disposal and its safety, including advising Japan on the need to have concrete disposal plans prior to operating a reactor plant.

ONTARIO POWER GENERATION REPOSITORY

Ohio elected officials are beginning to take a larger role in opposing the Ontario Power Generation’s plan to bury radioactive waste at a dump approximately one mile from the Lake Huron shoreline that also impacts the Lake Erie shoreline.