August 2014

The following is a compendium of news reports over the preceding 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

Department of Energy (DOE)

Acting Assistant Secretary David Huizenga of the Office of Environmental Management (EM) will return to his position at the National Nuclear Security Administration (NNSA). In this position, he will continue addressing defense nuclear proliferation issues and will also lead discussions with Washington concerning the Hanford site consent decree. Mr. Mark Whitney, previously the principal deputy assistant secretary and previous manager of the DOE office in Oak Ridge, TN, will assume the role of acting assistant secretary at DOE EM.

President Obama nominated Elizabeth Sherwood-Randall to be deputy secretary of DOE. Currently, she serves as an Obama Administration coordinator for defense policy and for offsetting use of unconventional weapons. The Senate Energy and Natural Resources Committee conducted her confirmation hearing. The webcast for her confirmation hearing can be found here, and her opening statement testimony can be found here.

Senate Appropriations Subcommittee on Energy and Water

The Senate Appropriations Subcommittee on Energy and Water introduced a bill and prepared a report that lists reprogramming control levels for fiscal year 2015 involving waste sites under the DOE Office of Environmental Management. The Subcommittee recommended reprogramming and funding for various sites, including Hanford, Idaho National Laboratory, Oak Ridge, Savannah River, and the Waste Isolation Pilot Plant. The proposed amounts and full report summarizing the bill can be found here.
STATE

Storage, Recycling, or Disposal of Radioactive & Hazardous Waste

Vermont

Entergy Corp. has submitted an application to the State to approve an expansion of its high-level radioactive waste facility, allowing transfer of waste to be fully completed in 2020. Specifically, the business seeks permission to increase its air-cooled storage facility from only holding highly radioactive fuel in 13 casks to an increase of 58 casks. This increase would allow for each cask to hold up to 68 fuel assemblies. The waste to be transferred to these additional casks stems from Vermont Yankee that is scheduled to close permanently.

UPDATES – WASTE SITES

Savannah River Site (SRS), South Carolina

Discussion talks between the DOE and Germany are underway for the SRS to receive and process German nuclear waste. The proposed plan calls for Savannah River to receive almost 2000 pounds of graphite encased balls that will be reduced to reusable fuel. The waste would be transported by sea to Charleston, South Carolina and then shipped by rail directly to the SRS. During a visit to the SRS, DOE Secretary Ernest Moniz explained his agency’s position and decision to proceed with this plan, discussing that receipt of the German waste is in accordance with DOE’s mission to minimize the danger of nuclear weapons and to obtain enriched uranium globally. Supporters believe the venture will promote jobs at the SRS – similar to the mixed-oxide (MOX) program – while those in opposition believe that the MOX project is the prime reason why this proposal should be rejected in addition to environmental concerns surrounding the waste’s transport. An environmental assessment concerning the waste’s shipment has been conducted, but the federally appointed SRS oversight board has challenged its findings. The panel requests that the assessment consider and provide a response on the long-term impact of receiving the shipment at the SRS and on local residents in addition to the possibility of terroristic acts.

The Savannah River Site Citizens Advisory Board (CAB) cast a vote during its bimonthly meeting and again rejected for the second consecutive year that the SRS serve as an interim site for receiving commercial spent fuel shipments. The CAB’s primary reasons for rejection include the belief that the waste would remain at the SRS for a remarkably extended time, Yucca Mountain continues to be the best option to store waste, a newly built repository will not be completed in the short- or long-term, and the panel does not want future generations to be hindered by the receipt of commercial nuclear waste.

DOE Secretary Ernest Moniz commented on the importance of pursuing long-term funding options that will enable the MOX facility to be fully constructed beyond the current funding stream. Presently, Congress has allocated funding during the 2015 fiscal year in the amount of $345 million, but additional funding is needed to fully complete construction.
Waste Isolation Pilot Plant (WIPP), New Mexico

Multiple investigations remain ongoing as officials attempt to ascertain the cause of the accident and reason for the barrel to leak and burst, resulting in a fire at WIPP. The investigation team has approximately 9 pending inquiries, one of which includes further exploration into the Los Alamos National Laboratory (Los Alamos) because the burst barrel that caused the fire shipped from Los Alamos. The remaining approximate 500 barrels from Los Alamos were shipped to WIPP and a site in West Texas; all of these barrels were repacked and continue to be monitored in an effort to prevent future leaks and bursts. Officials at Los Alamos acknowledged that it made mistakes in how it packaged the waste that caused the leak, but it remains uncertain as to whether the type of kitty litter used during the process may have caused the accident. A new theory has emerged that a glove and metallic residue used to process waste at Los Alamos may have mixed with the other materials contained within the drum, potentially resulting in the February, 2014, incident.

New Mexico lawmakers, Senators Tom Udall and Martin Heinrich and U.S. Representative Steve Pearce, asked DOE Secretary Ernest Moniz to visit WIPP, learn about the recovery and funding efforts, and speak with local workers and officials concerning its importance as the only currently available repository to receive waste; the meeting is scheduled to take place on August 12, 2014.

Yucca Mountain, Nevada

Despite a belief that Yucca Mountain is truly not a viable option in serving as a national, permanent repository, a $1.4 million request to support its opposition was approved by the Nevada Board of Examiners; the Nevada Legislature’s Interim Committee will now receive the request for funding. Meanwhile, the U.S. House of Representatives voted against two separate proposals (that were attached as amendments to the fiscal 2015 Energy-Water Appropriations bill) that would have essentially removed from further consideration that Yucca Mountain be considered as a national and permanent waste repository site.

Hanford, Washington

The State of Washington and DOE have agreed again to prolong dispute resolution talks concerning the consent decree and its compliance in existence for the Hanford site as opposed to proceeding with litigation in court; this agreement is in place until September 5, 2014. Attorney General Bob Ferguson noted that he and Governor Jay Inslee agreed to an extension to give the parties an opportunity to ascertain whether a viable path exists and meets both parties’ interests.

The Senate Energy and Water Appropriations Subcommittee released a budget bill totaling $2.2 billion for Hanford, which is approximately $24 million higher than current spending. The proposed bill allows spending $941 million for the Richland Operations Office and $1.2 billion for the DOE Hanford Office of River Protection.

A cleanup contractor at Hanford, the Washington Closure Hanford, finalized cleaning and demolition activities for the last reactor support facility, pursuant to the River Corridor Closure Contract. The Washington Closure Cleanup company has facilitated and completed the cleaning of approximately 301 facilities and 496 waste sites.
Efforts have begun to continue cleaning and demolishing a highly radioactive (and one of the most hazardous) area at Hanford, referred to as the McCluskey Room, in the Plutonium Finishing Plant. Upon entering the room, the workers will be exposed to airborne radioactivity, surface contamination, confined spaces, and poor ventilation. Earlier in the month in another part of Hanford, some employees allegedly became sick after working in the vicinity of 177 underground tanks that stored nuclear and chemical waste; the workers reported smelling chemical fumes followed by a metallic taste in their mouths and irritation in their eyes, noses, and throats. Given the employees’ apparent physical reactions but lack of exposure to vapors, the Savannah River National Laboratory has been tasked with conducting an investigation and issuing a preliminary report. The report is anticipated to be completed for release in October.

**West Valley, Cattaraugus County, New York**

Funding for the West Valley nuclear waste site was approved via a federal House amendment that returned the funding to 2014 levels, totaling $63 million.

**INTERNATIONAL**

Questions continue over the building of a deep geological repository near Lake Huron. A Canadian Official – Blue Mountains Mayor Ellen Anderson – urged that all other options be exhausted before building the DGR one kilometer from Lake Huron. Clay Township in Michigan opposes the Canadian repository and passed a resolution to this effect, highlighting its position that the proposed repository would affect the security and protection of the Great Lakes and its tributaries.

A U.S. company, Kurion – based out of California and involved with cleanup efforts at Hanford – is using its cesium removal technology to assist with cleanup efforts and water treatment following the Fukushima plant disaster after the 2011 tsunami. Kurion will also begin working to remove radioactive strontium and will submit a proposal to the Japanese government to begin treating tritium. Despite all efforts, cleanup is expected to take decades.

Opposing the transportation of Canada’s Chalk River’s highly-enriched uranium in a liquid solution from Canada to the SRS, a New York legislator brought the issue to the House floor (surrounding concerns about possible contamination at or near the Peace Bridge in Buffalo). Congressman Brian Higgins also requested that DOE conduct an environmental impact statement before additional consideration is given to and efforts are made to proceed with the transportation plan. Should the plan advance, approximately 23,000 liters of radioactive liquid would be transported via trucks (with about 179 total shipments in special casks) from Canada to South Carolina; these transports could affect one-million Americans along the 1700 kilometer route.

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