May 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)**

The DOE Office of Environmental Management released its preliminary report concerning the radiological event at the Waste Isolation Pilot Plant in February 2014. The investigative report focused on exposure of the workers and the release of materials in addition to the government and employee response to the incident. The full report can be found [here](#).

**Entergy Nuclear Vermont Yankee**, a Vermont-based company that expects to close in the latter part of this year, filed a second lawsuit against DOE for costs associated with storing spent nuclear fuel at its facility and those associated with expansion of dry cask storage. Previously, in the initial lawsuit Entergy filed it was awarded $88 million for storage and legal costs resulting from its complaint against DOE.

**DEPARTMENT OF JUSTICE (DOJ)**

The Department of Justice reached an agreement with the **Anadarko Petroleum Corporation** to address cleanup nationally (and in particular waste affecting the Navajo Nation). The company settled by agreeing to pay over $5 billion dollars, which is the biggest contamination settlement recorded. The settlement funds will be disbursed in different forms, including separate trusts responsible for cleanup at various sites.

**STATE**

**Storage, Recycling, or Disposal of Radioactive & Hazardous Waste**

Stored nuclear waste remaining after the closure of the **West Valley site** near Buffalo, NY, raises concerns about health, contamination, and accidents that could result from the closed facility nearly fifty years later. Decommissioning activities are currently underway.
Radioactive waste, including its storage and transport, is a byproduct of increased drilling in the United States related to fracking, causing states to consider the regulatory scope of environmental and public health issues that have been raised.

The recent closure of the San Onofre Nuclear Generating Station (SONGS) has generated renewed conversation about the use of nuclear power plants as a source of energy and whether to build new plants or repair existing ones, despite significant costs. Additionally, questions linger regarding how best to store high-level waste produced at these sites while a permanent repository remains unavailable. In the interim, a nuclear auction was held at SONGS, where heavy machinery and control panels were sold to generate money for the station’s decommissioning process that is estimated to cost over $3 billion dollars.

Texas elected officials and others continue to weigh in on whether to support allowing radioactive waste in Texas. Governor Perry prepared and issued a letter supporting Texas as a location for storing high-level nuclear waste and interest is growing in the State, as the Speaker of the House has charged the Committee on Environmental Regulation to study and make recommendations on bringing waste to Texas.

**UPDATES – WASTE SITES**

**AIKEN, SOUTH CAROLINA - SAVANNAH RIVER SITE (SRS)**

The State of South Carolina sued the federal government in Aiken, South Carolina, arguing that it was not within its right to cancel a project (in a plan that Congress approved) to dispose of plutonium. The United States began building a plant near Aiken that was expected to convert weapons-grade plutonium into fuel for power reactors, but the project was discontinued after significant cost overruns and the lack of revenue to cover the costs of making the fuel. A copy of the complaint can be found here.

**WASTE ISOLATION PILOT PLANT (WIPP)**

A team at WIPP discovered escalated contamination in an area that stores waste, leading DOE to be one step closer to identifying the source of the radiation event that occurred in February. The precise location could not be located because the team’s safety equipment had insufficient power to remain and continue the search.

**HANFORD**

The Director of the Environmental Restoration & Waste Management Programme, Russell Jim, working on behalf of the Yakama tribe, noted his displeasure at cleanup efforts at a meeting involving DOE, politicians, and the private industry. Specifically, he noted concerns over the attempted reclassification of the waste at Hanford, the extensive amount of remaining waste, budget cuts, contaminated groundwater in the Columbia River, and contamination that threatens the health of fish that the Yakama consume at higher rates than other tribes and the general public.
The State of Washington, via the Attorney General Bob Ferguson and the Governor, issued a response, rejecting DOE’s proposal to amend the waste cleanup agreement for Hanford. Chief reasons for rejecting the proposal highlighted that DOE’s plan was insufficient and that the phased approach lacks sufficiency and enforceability mechanisms.

An article summarizes the Hanford history and current status of the state of affairs (in addition to providing video, documents, and photos) and details the health hazards, timeline, cleanup efforts, whistleblower complaints, and costs associated with the facility.

Following incidents involving over 20 workers being exposed to chemical vapors for which medical attention was required, the Washington River Protection Solutions – the DOE contractor assigned to clean up waste at Hanford – has sought an external review to study and receive recommendations on protection measures and hazardous vapor management.

Due to the increased danger of an earthquake, the DOE Inspector General issued a report recommending that radioactive waste containing cesium and strontium at Hanford should be moved from a giant pool of water to dry storage quickly.

THREE MILE ISLAND – SUSQUEHANNA RIVER, CENTRAL PENNSYLVANIA

After a disaster resulted in half of the core melting following failed water cooling pumps at the Three Mile Island Nuclear Generating Station in 1979, the Chernobyl accident, and Fukushima, an article highlights the psychological impact that such accidents have on people concerning the use of nuclear energy and state of nuclear energy as a viable source to produce electricity.

INTERNATIONAL

A Canadian federally appointed review panel has delayed rendering a decision until it receives additional information on whether to permit Ontario Power Generation to construct an underground nuclear waste repository near the Great Lakes; however, resistance to the construction is increasing as residents in states surrounding the Great Lakes, in particular, are concerned about contaminated groundwater should an accident occur at the site. The accident at the WIPP facility in February has also contributed to the review panel’s decision to delay the project, as the Ontario Power Generation company stated it was using WIPP as a model for its proposed program.

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