

ECA Update April 11, 2016

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Consent-Based Siting Public Meeting
Atlanta, GA

[Register online.](#)

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14

Consideration of Senate Energy and Water Appropriations bill on Senate floor.

April 2016

20

“The Challenge of Excess Facilities on DOE Sites”
House Nuclear Cleanup Caucus
5:30 pm - 7:00 pm

[LINK](#)

The Southern Carolina Regional Development Alliance filed a motion in federal court last week seeking to intervene in the state's lawsuit against the U.S. Department of Energy for its missed deadline on construction of the Mixed Oxide Fuel Fabrication Facility at the Savannah River Site.

The state's lawsuit is an attempt to levy \$1 million per day in fines for every day the DOE goes beyond the Jan. 1 deadline. It caps the fine at \$100 million, a threshold that will be reached April 10.

The alliance is a nonprofit group that represents impoverished areas near the Savannah River Site and said it will be affected by the MOX project – finished or not.

The yet-to-be completed plant is intended to turn weapons-grade plutonium into commercial nuclear reactor fuel, but is only about 70 percent complete.

Gov. Nikki Haley said, "Federal law requires the Department of Energy to make economic and impact assistance payments to the State of South Carolina. The law is clear, these payments are due to the State alone, not other individuals or groups that may also wish to collect."

According to the SCRDA, Haley's stance is why the alliance filed the motion to intervene.

"We have 1,600 acres next door to SRS, six miles from the reactor where the plutonium is stored," said Danny Black, President and CEO of the association.

In the motion filed with the U.S. District Court, "If defendants prevail in this action, Southern Carolina Alliance will be left without redress for this injury."

Black said the alliance should be a party to the lawsuit because it is part of the local community.

Capitol Hill

August 2016

9-10

Third Annual
Intermountain
Energy Summit
Idaho Falls, ID
[Visit website.](#)

September 2016

14-15

2016 National Cleanup
Workshop
Hilton Alexandria
Mark Center
Alexandria, VA
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“We think the state is only looking after interests of the state and would have nothing to do with the community in any settlement if we didn’t intervene,” he said.

According to Black, the actions of the state and the DOE continue to perpetuate the problems with plutonium storage and have exposed the nearby communities to spotlights from media headlines.

“If the state is filing to gain some settlement or long-term action, we think we ought to, as a community, gain something out of any fines or damages paid instead of having the funds go to the general fund of South Carolina,” Black said.

The court must decide if the motion will be accepted or if the lawsuit will move forward without the alliance.

Thomas Gardiner is the SRS beat reporter for the Aiken Standard. Follow him on Twitter @TGardiner_AS.

INL nuke solution should start with frank, face-to-face discussions

Idaho Statesman

April 8, 2016

[LINK](#)

Two of Idaho’s most reasonable and respected politicians are at opposite ends of a radioactive spectrum over whether to allow shipments of spent nuclear fuel rods into the state so research can commence at Idaho National Laboratory.

Idaho Attorney General Lawrence Wasden is not budging from his position to deny entry of nuclear material until the U.S. Department of Energy gets back on the nuclear waste cleanup schedule Idaho and the agency have agreed to. From the standpoint of safety, and taking into consideration the short-term memories of federal agencies that drag their feet on old promises and run swiftly to you with new ones, Wasden’s position is above reproach.

That's because there are 900,000 gallons of liquid nuclear waste on the INL site that have been stored in stainless steel containers for decades. As far as we know, they are not leaking into the earth or leaching into the agricultural lifeblood of an Idaho aquifer. But in all likelihood, someday those tanks will leak.

Idaho has made good on its promise to store the stuff in an area that has some seismic risk, but the DOE has not made good on its promise to transform that liquid waste into a solid and less risky state. The \$500 million dollar Integrated Waste Treatment Unit the DOE is designing to do the job has faced a series of setbacks and is not operating.

Poll the right scientists and you could find someone who will tell you everything is OK and there is nothing to worry about. But worrying isn't part of Wasden's mission. Compliance with a contract between a state and its federal government is.

U.S. Rep. Mike Simpson, R-Idaho, has spent a career cultivating the nuclear and other research missions at INL and working to appropriate the money in Congress to get it done. He sees all of his effort and all of Eastern Idaho's economic promise at INL being threatened — and in a worst-case scenario, perhaps, even abandoned by an increasingly impatient DOE that could find a path of less resistance outside Idaho.

Though INL is the DOE's premier nuclear research facility, that doesn't mean a thing if they can't bring in the 100- to 200-pound shipments of spent nuclear fuel rods to study. It would be expensive and time-consuming, but DOE could come up with a Plan B at one of its other labs. Simpson, and almost every other Eastern Idaho politician, dreads the thought of that happening.

Simpson's fears are real. Idaho's unwillingness to accept the fuel rods has resulted in the feds sending one shipment elsewhere — and considering options to send future shipments to other labs. Simpson argues that denying INL access to the nuclear material it needs does not make the existing nuclear waste in Idaho any safer. Why punish the lab for something it can't control? Thus, Simpson wants Wasden to allow the shipments — and to trust that DOE will get its cleanup back on schedule.

Our problem is that this is never going to happen in the sniping, back-biting atmosphere we have today, wherein Gov. Butch Otter and legislators such as Sen. Bart Davis openly criticize Wasden's INL stance and other aspects of his job. It's time for all of these stakeholders to meet — especially with the DOE — and begin to build that bridge of trust Simpson envisions.

Some of the politicians in Eastern Idaho remind us of the Chamber of Commerce in the classic movie "Jaws." They focus on the summer season success of Amity Island and seem blind to the sharks of reality.

Wasden is Idaho's Chief Brody. Without his vigilance and resolve to call DOE into account, we don't know who else would.

Perhaps it is time to discuss a "Trust, But Verify" approach — but the prospects for such negotiations will be better when Otter and others start speaking directly to Wasden instead of past him, and all parties work with the Energy Department.

Statesman editorials are the unsigned opinion expressing the consensus of the Statesman's editorial board. To comment on an editorial or suggest a topic, email editorial@idahostatesman.com.

Note: Community member William Myers recused himself from participating in this discussion.

Putin opposed to scrapping MOX

Augusta Chronicle

April 8, 2016

[LINK](#)

Russian President Vladimir Putin objects to the Obama administration's plans to scrap the reprocessing of bomb-grade plutonium into fuel for electricity generation.

Putin said his objection was a reason he didn't attend the multi-nation summit on nuclear security hosted by President Barack Obama in Washington last week

because the reprocessing was part of a 2000 agreement between Russia and the United States.

“We signed this agreement and settled on the procedures for the material’s destruction, agreed that this would be done on an industrial basis, which required the construction of special facilities,” he said. “Russia fulfilled its obligations in this regard and built these facilities, but our American partners did not.”

The U.S. Department of Energy is constructing a facility at the Savannah River Site for reprocessing the plutonium into mixed oxide, or MOX. But as construction has lagged behind schedule and over budget, the Obama administration has sought to kill it and dispose of the nuclear material by diluting it and sealing it in special canisters.

“This means that they preserve what is known as the breakout potential; in other words, it can be retrieved, reprocessed and converted into weapons-grade plutonium again,” Putin said. “This is not what we agreed on.”

However, the State Department’s Bureau of International Security and Nonproliferation said Friday that the administration’s new approach still honors the agreement because it provides a mechanism for the two countries to confer on disposal methods and timelines.

“The U.S. has not violated this agreement, and any suggestions to the contrary are inaccurate. We remain fully committed to meeting our obligations under the agreement,” said agency spokeswoman Jennifer Bavisotto.

Rep. Joe Wilson and Sen. Lindsey Graham, both South Carolina Republicans, have each warned administration officials that halting the MOX program would run afoul of the Russians.

Friday, Wilson urged the administration to change strategy.

“Sadly, Vladimir Putin’s reaction to the president’s short-sighted plan to terminate MOX is not surprising,” he said. “Processing plutonium through the MOX facility is the only way to uphold the Plutonium Management and Disposition Agreement, our nuclear non-proliferation agreement with the Russian Federation.”

House and Senate subcommittees are expected to vote this month on the administration’s budget which includes the plan for mothballing the MOX facility without completing construction. Observers don’t agree on which way the subcommittees are leaning, but Congress blocked a similar effort last year.

Changing nuclear landscape alters WIPP’s role

The Santa Fe New Mexican

April 10, 2016

[LINK](#)

When the salt bed trenches of the Waste Isolation Pilot Plant were mined on the outskirts of Carlsbad in the mid-1980s, Congress dictated specific guidelines for what could be held within its chambers. Only low-level transuranic waste — rags, tools and even soil that had been contaminated with potent radiation through the creation and testing of nuclear weapons in the U.S. — could fill the 6.2 million-cubic-foot cavern more than 2,000 feet below ground.

Even within these limited parameters, finally approved by the Environmental Protection Agency in 1998, it took WIPP 20 years to open. When the first waste-bearing truck drove from Los Alamos to Carlsbad the following year, two women sat on the pavement and a man parked his car in the middle of the road, hoping to prevent its passage. Others waved American flags in support.

But in the 17 years since the facility opened, the nation’s nuclear landscape has changed. WIPP remains the world’s only underground geological repository for nuclear waste, and a confluence of budget constraints, geopolitical issues, the threat of terrorists obtaining nuclear materials and other concerns have led many to consider whether WIPP’s mission should be expanded to include not only higher

levels of waste from the U.S. but also waste from around the world. Plans are already in motion to accept plutonium from Japan.

The U.S. now has 61.5 metric tons of plutonium that require a path to disposal — a path that increasingly points to WIPP, despite vulnerabilities exposed by an underground truck fire at the plant in 2014 and an unrelated radiation leak that followed days later, shutting down the plant for the past two years. Officials say it might reopen by the year's end.

In late March, the National Nuclear Security Administration announced that more than 6 tons of plutonium would be diluted with a blend of chemical compounds called oxides — a process known as down-blending — at the Savannah River Site in South Carolina and would then be shipped to New Mexico. A portion of that plutonium — just under 1 metric ton, or 2,000 pounds — from “foreign sources” could be included in the shipment, the agency said.

The Department of Energy then announced a \$6 billion contract spanning a 10-year period for the Savannah River Site to prepare and package the waste. And on April 1, President Barack Obama and Japanese Prime Minister Shinzō Abe announced that “critical” highly enriched uranium and separated plutonium had been removed from the Fast Critical Assembly nuclear reactor research facility in Japan and shipped to the U.S.

Despite objections from the state of South Carolina, the plutonium from Japan was sent to the Savannah River Site. NNSA spokeswoman Francie Israeli confirmed to The New Mexican last week that the plutonium ultimately will be placed at WIPP.

WIPP originally was intended to be the nation's first deep-underground nuclear repository — not the only such facility in the U.S. or in the world. A high-level waste storage site planned for Yucca Mountain in Nevada was abandoned in 2011 following extensive public and political outcry in the state. No other sites have been designated as nuclear repositories since.

Meanwhile, the Obama administration set a goal in 2009 “to secure all vulnerable nuclear materials” worldwide by 2013, and while that deadline has gone unmet, the president has remained a strong proponent of a “global zero” campaign to eliminate the spread of nuclear weapons. Part of this mission rests on an agreement to secure or dispose of all vulnerable nuclear materials.

Critics say storing plutonium from Japan at WIPP would directly violate the laws that govern the underground repository and could fundamentally reshape the facility’s mission — which stipulated storing only transuranic waste from U.S. defense projects. Others say that because the plutonium will be heavily diluted, it will meet WIPP’s criteria.

Since WIPP opened its doors, the original scope of its mission has slowly shifted. Exceptions have been made to allow more than 3 tons of plutonium from the Savannah River Site and the Rocky Flats Plant in Colorado to be secured in the salt caverns below Carlsbad — including classified molds that shaped plutonium pits used to trigger nuclear bombs.

The plant’s mission also included a pledge to “open clean and stay clean,” but a runaway reaction from an improperly packaged waste drum from Los Alamos in 2014 caused a radiation leak that escaped the cavern, contaminating the air above ground and breaking that promise.

Meanwhile, the plant is still pegged to take waste waiting at national laboratories, as well as new waste the labs create. The U.S.

Department of Energy’s budget for the coming year proposes funding to enhance the nation’s nuclear stockpile and ramp up plutonium pit production at Los Alamos National Laboratory — work certain to contribute to the waste stream.

Todd Shrader, Carlsbad Field Office manager for the Department of Energy, addressed the plan to bring plutonium to New Mexico during a WIPP public forum Thursday night.

“As with all waste that comes here, it has to meet our waste acceptance criteria and the hazardous waste permit,” he said. “In our mind, it is frankly the same.”

He said employees are eager to get back to work, and the repository is still on target to reopen by mid-December.

Shrader and the Department of Energy say that once the plutonium has been down-blended, it will be a form of waste that meets the criteria for storage at WIPP — whether the waste comes from Japan or Washington.

“WIPP’s function is the disposal of radioactive materials generated from the department’s defense work,” an Energy Department spokesman said Friday when asked about the legality of storing plutonium from Japan at WIPP. “NNSA’s efforts to retrieve plutonium from places where it is insecure, thereby ensuring it will not be used in nuclear weapons, is an important part of that work.”

This was affirmed in the joint statement April 1 by President Obama and Prime Minister Abe, who said the shipment from Japan to South Carolina “will help prevent unauthorized actors, criminals or terrorists from acquiring such materials.”

The announcement came at the end of a Nuclear Security Summit late last month in Washington, D.C. — attended by more than 50 world leaders — that emphasized the Islamic State’s interest in acquiring nuclear weapons. Russian President Vladimir Putin did not attend.

Facilities like the reactor in Japan, experts say, contain relatively small amounts of nuclear materials that are most vulnerable to theft and security breaches. By consolidating the material at more secure sites, they said, nations can reduce the threat of nuclear terrorism.

France and Britain are both holding more than 15 tons of Japan’s plutonium for this reason, with contracts to reprocess the material into fuel.

“The overall calculus within the U.S. government, since U.S. [plutonium] stocks are already quite large, is that the impacts [of foreign plutonium] are quite small,” said William Tobey, a senior fellow at the Harvard Kennedy School’s Belfer Center for Science and International Affairs and the former deputy administrator of the Office of Defense Nuclear Proliferation at the NNSA.

“If terrorists got their hands on even those small amounts, there would be a risk they could turn it into a weapon they could detonate,” Tobey said, citing terrorist organizations in Japan, Chechnya, Belgium and Arab nations that already have tried to seize nuclear materials or have shown interest in doing so.

Since 1994, the Global Threat Reduction Initiative has eliminated or removed 5,000 kilograms of highly enriched uranium, enough to make 200 nuclear bombs. As part of this program, the U.S. set an objective to remove 1,431 kilograms of “high risk, vulnerable” uranium and plutonium by 2022, according to a 2014 NNSA report on the initiative.

But Tobey said progress has been slow, and nuclear security has remained in “stasis.” Despite the elimination of weapons-grade material from 30 of 57 countries in recent years, the task of securing nuclear material internationally remains tenuous, he said, and the threat of nuclear terrorism has spiked since 2014 with the rise of the Islamic State.

He also said that plutonium disposal through a nuclear reactor fuel program or storage at WIPP has not been thoroughly studied to show which path — if either of them — is the clear route forward in getting rid of such sensitive materials.

“I worry that we might be trying to jump off of one horse before we are sure that the other horse will be better and faster,” he said.

He said spending money to solve the problem is necessary.

“The people who fought World War II bore significant burdens, but they realized they had a responsibility to do that,” Tobey said. “My argument is we also have a

responsibility to bear some burden for the disposition of plutonium” that resulted from the weapons program at that time. “There is a symmetry,” he said.

Plutonium’s path to WIPP also depends on whether a mixed oxide fuel program — which would convert it into fuel for nuclear reactors — will receive funding. Many people view the fuel program as a failure.

For over a decade, the bulk of the United States’ plutonium was set to be turned into nuclear reactor fuel at a mixed oxide, or MOX, facility under construction in South Carolina. As part of a nuclear security deal signed between the U.S. and Russia in 2000, each country agreed to dispose of 34 metric tons of plutonium by turning it into fuel.

But 16 years since the MOX program’s inception, the South Carolina facility is still several years and billions of dollars away from completion. And the Department of Energy’s fiscal year 2017 budget would suspend funding for MOX and instead put funds toward a dilute-and-disposal method — with a “geological repository” as the ultimate resting place for the waste.

Congress will have the final say on the budget plan, and the Energy Department confirmed that no decision has been made.

Russia also has yet to sign off on this alternative. On Thursday, Putin said at a media forum in St. Petersburg that he had declined to attend the Nuclear Security Summit this year because the U.S. has failed to live up to its promises to dispose of its weapons-grade plutonium. He said Russia has complied with the agreement.

Citing the exceptional costs of building the MOX facility, the Obama administration has proposed to defund the program over the past several years. Many have questioned the feasibility of keeping the program going and wonder if the resulting fuel would even have a buyer. Congress so far has continued to include funding for the facility in the federal budget, despite objections.

“If you kill the MOX program,” Tobey said, “you leave an uncertain path for that plutonium.”

Largely because of this “uncertain path,” South Carolina’s Republican governor, Nikki Haley, asked the Department of Energy to reroute or stop the recent shipment of plutonium from Japan, saying it puts the state “at risk of becoming a permanent dumping ground for nuclear materials.” She also cited the need to protect the residents and environment in South Carolina.

Haley also is suing the federal government, seeking \$1 million for every day since a missed Jan. 1 deadline to have the surplus plutonium removed from her state. The fine has a \$100 million cap, which would have been reached Saturday.

But New Mexico’s leaders have a different take on nuclear waste. Gov. Susana Martinez wrote a letter to Energy Secretary Ernest Moniz in 2015 supporting a bid from Eddy and Lea counties to build an additional facility in Carlsbad capable of storing spent nuclear fuel.

“The residents of this area have a high level of understanding of the nuclear industry and its importance to our national security,” she wrote in the letter.

The Governor’s Office declined to comment on the issue of foreign plutonium at WIPP and instead referred The New Mexican to the state Environment Department, which handles the facility’s hazardous waste permit. A spokeswoman for the department did not respond to requests for comment.

John Heaton, chairman of the Carlsbad Mayor’s Nuclear Task Force, agreed with the governor’s sentiment.

“Nonproliferation should be a major concern of all Americans,” he said. “And putting those materials — no matter where they come from — in a permanent repository where they are not available for terrorist activities ... if WIPP can be part of that, and New Mexico can be part of that, I think it is a very noble mission.”

Heaton said the plutonium coming from South Carolina would be heavily diluted — with no risk of a reaction and safe enough to sit on top of the drum containing it.

“It is what WIPP was designed to do,” he said.

He also said WIPP is far from running out of space. Under the WIPP Land Withdrawal Act, which governs how the land can be used, the salt caverns could be mined further to hold more waste.

“There is no limit to the amount we can mine,” he said.

But Don Hancock of the Southwest Research and Information Center, a nuclear safety watchdog group, said more environmental assessments under the National Environmental Policy Act need to be conducted to assess WIPP’s capacity or ability to handle additional plutonium.

“There is more of that waste in existence than there is room at WIPP,” Hancock said. “Insofar as they want to bring in foreign plutonium, they have to get the law changed.”

He said Japan’s civilian plutonium would be in direct violation of the Land Withdrawal Act’s stipulation that the waste stored at WIPP come from U.S. defense activities.

The Land Withdrawal Act states: “The Secretary shall not transport high-level radioactive waste or spent nuclear fuel to WIPP or emplace or dispose of such waste or fuel at WIPP.”

“Geological repositories kind of win by default. If the decision is to put it in the ground, then it could be done someplace else,” Hancock said.

“We the public were always told, ‘Oh no, none of this prohibited materials — ignitable, reactive, potential explodable materials — will ever come to WIPP. We are

not allowed to ship those ignitable, reactive [materials]. We have lots of safeguards so that will never happen,'” Hancock said, adding, that has been proven wrong.

U.S. Sen. Tom Udall, D-N.M., said in a statement that the future of MOX and what that will mean for New Mexico are questions that should be rigorously considered by Congress. He said it is likely “this debate will continue into the next administration.”

“My understanding is that the amount of defense waste in South Carolina likely would require an expansion at WIPP and a change in its total radiation limits, which are set by law,” he said. “And that is not a small issue to address.”

Before the diluted plutonium in South Carolina can be transported to WIPP, he said, an environmental assessment, public comment and an agreement from the state of New Mexico should occur.

Many “ifs” exist regarding the safety of the waste and the remaining capacity at WIPP, he said. If the waste is transported, he said, New Mexico should be compensated and workers trained to deal with a radiological emergency.

“We shouldn’t talk about new missions for WIPP until it’s open,” he said. “And until we know that it will be able to safely complete its current mission.”

Contact Rebecca Moss at 505-986-3011 or rmoss@sfnewmexican.com.

Senate Armed Services to Mark up Policy Bill Next Month

ADC

April 11, 2016

[LINK](#)

The Senate Armed Services Committee will mark up the fiscal 2017 defense authorization bill starting on May 11, the committee announced last week.

The full committee is scheduled to complete its work by May 13. The six subcommittees will mark up their portions of the bill on May 9 and 10. The

Readiness and Management Support panel's markup is scheduled for May 10 at 2 p.m.

Sticking to tradition, the full committee will continue to hold its deliberations over the annual defense policy bill behind closed doors. Half of the subcommittees, however, will hold open markups, including the readiness panel.

The House Armed Services subcommittees are planning to mark up their portions of the authorization bill from April 20-21, with the full committee expected to consider the legislation on April 27. The committee is expected to release a detailed markup schedule shortly.

Meanwhile, appropriators in both chambers will mark up the FY 2017 military construction-veterans affairs spending bill this week.

The House Appropriations Committee will mark up the measure on Wednesday. The milcon subcommittee took up the bill on March 23.

On the Senate side, the milcon spending legislation will be marked up in subcommittee on Wednesday and in the full committee on Thursday.