

## **ECA Update April 29, 2016**

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## **Upcoming Events**

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#SubEnergyPower of House Energy and Commerce Committee convenes hearing on Nuclear Energy Bills

[Watch here.](#)

**May 2016**

**11**

EMAB Meeting  
Aiken County, SC

**May 2016**

**12-13**

ECA Peer Exchange: Environmental Management Issues  
Washington, D.C.

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**May 2016**

**Some K-25 land, five buildings in Oak Ridge marked for redevelopment**

Knox News

April 28, 2016

[LINK](#)

OAK RIDGE — The U.S. Department of Energy is on the verge of turning over 200 acres and five large buildings to the nonprofit that seeks to find new tax-generating uses for DOE facilities and land, and those transfers should help boost the organization's bottom line.

Lawrence Young, president of the Community Reuse Organization of East Tennessee, said DOE and its environmental cleanup contractor, UCOR, are "working feverishly" to get the five buildings in the 1065 Complex in shape for the transfers.

In the northwest corner of the huge former uranium enrichment facility and Manhattan Project site known as K-25, there are four, 50,000 square-foot buildings and a 35,000 square-foot building on 13 acres. The buildings, constructed in the late 1980s or early 1990s, were used by UCOR and its predecessor.

Three buildings should be turned over to CROET later this year, and the remaining two structures should become available next year. The buildings are in good shape, Young said.

Once in CROET's possession, the buildings could be sold or leased as part of the nonprofit's mission to convert the former DOE property into a private industrial/business park. As part of the transition, the name of the site has been dubbed Heritage Center in East Tennessee Technology Park.

Young said with the transfer of the buildings, it could jump-start "an incredibly robust speculative building program" with proceeds that could replenish CROET's coffers.

DOE is also wrapping up plans to transfer some 200 acres on a peninsula of the K-25 complex to CROET, Young said.

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EM SSAB Nevada Meeting

August 2016

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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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That move may be put on hold until a potential client becomes available, he said.

In other matters during the CROET board of directors meeting Tuesday, Young said a shell of a speculative building that the organization constructed several years ago may finally be getting a tenant.

CROET spent \$1 million to build that 16,500 square-foot structure and will likely have to take out a short-term loan to complete it.

The unnamed tenant wants a year-to-year lease. The firm intends to use the building for offices, equipment maintenance and some analysis operations, Young said after the meeting.

### **U.S. Department of Energy files motion to dismiss South Carolina MOX lawsuit**

Aiken Standard

April 26, 2016

[LINK](#)

South Carolina's lawsuit targeting the Savannah River Site MOX facility should be dismissed because the federal government isn't legally obligated to meet construction milestones listed in the 2003 agreement, according to recent court filings.

The state's lawsuit filed in February says the U.S. Department of Energy reneged on mandates to either complete the Mixed Oxide Fuel Fabrication Facility at SRS or transfer 1 ton of weapons-grade plutonium per year to an off-site facility.

In a motion to dismiss filed Monday, however, the DOE repeatedly uses the term "objective" instead of mandate to describe its interpretation of the MOX agreement.

"The statutory goal of removing defense plutonium cannot be described as non-discretionary," the DOE filing states.

“Congress left it to the agency to decide whether to remove defense plutonium or pay the financial penalty, in the event that the MOX production objective was not achieved by certain dates,” the filing continues.

The DOE’s motion to dismiss also asserts that the state’s money claims – the state is seeking \$100 million in penalties – can only be heard in the U.S. Court of Federal Claims. It also notes the payments are “subject to appropriations.”

“The purpose of the court is to allow citizens to file claims for money against the federal government,” according to the court’s website.

The DOE’s motion goes on to say the state’s “multiple requests for relief, ranging from injunctive to monetary in nature, are based on fundamental misunderstandings of the statutory scheme at issue,” the filing states.

“The governor has been clear: South Carolina will not be a dumping ground for nuclear waste,” Chaney Adams, press secretary for Gov. Nikki Haley, said in a statement. “We deserve better than the years of broken promises we’ve seen from the federal government, and we won’t back down on what is an important economic development and quality of life issue for the people of our state.”

According to the MOX agreement, the facility was built to dispose of 34 metric tons of plutonium from the U.S. and Russia. When complete it would convert weapons-grade plutonium into nuclear fuel for commercial use.

The 2003 agreement calls for the facility to be built by Jan. 1, 2014, and process 34 tons by Jan. 1, 2019, according to court records.

But because the MOX facility is presently only about 68 percent complete, the federal government is required to transfer 1 metric ton per year to another site until the facility is operational, the state’s lawsuit continues.

Since that threshold hasn't been met, the state has said in court records the DOE must pay \$1 million in fines per day capped at \$100 million after the Jan. 1, 2016, deadline.

The \$100 million cap was reached April 10. The fines are annual and cumulative, meaning the \$1 million per day penalty resumes Jan. 1, 2017, if the MOX facility is not operational by then, according to the litigation.

The DOE said in its motion to dismiss that it plans to process and transfer more than 6 metric tons of plutonium from SRS and other sites to the Waste Isolation Pilot Plant, or WIPP, near Carlsbad, New Mexico.

Court records don't specify the amount of plutonium that would transfer from SRS, stating only that WIPP operations aren't expected to begin until late 2016.

The motion to dismiss comes on the heels of a Senate proposal that cuts MOX funding from its current level of \$340 million a year to \$270 million. A House plan keeps funding at \$340 million.

Sources familiar with the measure have called the \$270 million figure a "place holder" until both the House and Senate could reach an agreement, with talks potentially continuing into June.

Construction of the MOX facility began in August 2007. Since then, the project has fallen years behind schedule and is billions of dollars over budget, according to court records.

In 2007, the DOE estimated MOX costs at \$4.8 billion, but the price tag zoomed to \$7.7 billion in 2012, according to the DOE's motion filed Monday.

The Obama administration has said that it wants to shut down MOX and pursue downblending, which the administration has said is a cheaper way to dispose of plutonium stockpiles.

“In early 2014, DOE sought to undermine and abandon construction of the MOX Facility altogether by recommending in the President’s Budget Proposal for Fiscal Year 2015 that the MOX Facility be funded at a reduced level sufficient to place the MOX project into ‘cold standby,’ which was the equivalent to an indefinite suspension of construction and the MOX project,” court records filed by the state say.

South Carolina has filed a motion for summary judgment in the MOX suit. A response to that motion is due May 25.

Previously, the Southern Carolina Regional Development Alliance, a nonprofit group representing communities near the Savannah River Site, filed a motion to intervene. The alliance claims in court papers it’s entitled to a portion of the \$100 million in economic assistance payments.

The federal government has until May 2 to respond to that motion. South Carolina has already filed court records expressing opposition to the alliance’s motion.

### **Audit: Idaho Nuclear Waste Plant Construction over Budget**

AP: MagicValley.Com

April 27, 2016

[LINK](#)

IDAHO FALLS (AP) A recent audit found significant problems with the federally-managed nuclear waste treatment plant west of Idaho Falls.

The audit outlined cost overruns, a lack of rigorous testing and other management issues at the Department of Energy facility known as the Integrated Waste Treatment Unit, reported The Post Register.

The DOE Office of the Inspector General’s report says the project’s construction costs have exceeded the \$571 million cap set in 2010 by at least \$181 million and will likely continue to accrue.

The total taxpayer costs could reach \$800 million or more before the plant is fully operational.

The cost cap “did not successfully limit the construction costs borne by taxpayers,” according to the report.

The plant is supposed to be running by the end of September under a deadline the DOE negotiated with the Idaho Department of Environmental Quality last year.

DOE spokeswoman Danielle Miller did not address the report in an emailed response to questions.

She said the DOE and its contractors “continue to focus on the start of safe operations for the Integrated Waste Treatment Unit.”

The facility is the first of its kind. It has yet to treat any of the 900,000 gallons of radioactive liquid waste stored in steel underground tanks.

It was originally supposed to have turned the waste into a manageable powder form by the end of 2012.

### **State Senate approves Bates’ resolution urging federal action on San Onofre nuclear waste**

Seaside Courier

April 28, 2016

[LINK](#)

The State Senate Thursday unanimously approved a resolution by Senator Patricia Bates (R-Laguna Niguel) that urges Congress and President Obama to approve legislation that would move nuclear waste from the closed San Onofre Nuclear Generating Station to a safer location, the senator’s office announced.

“It’s way past time for the federal government to move the nuclear waste stored at San Onofre to a location away from densely populated and environmentally sensitive areas,” Bates said. “I’m pleased that my State Senate colleagues have endorsed my call to Washington D.C. to approve pending legislation that would help make Orange and San Diego County residents safer. I applaud Congressman Darrell Issa’s steadfast leadership on finding a consensus that is fair to all Americans.”

Senate Joint Resolution 23 urges the passage of the federal Interim Consolidated Storage Act of 2016 (H.R. 4745), which is supported by Congressman Issa (R-Vista). H.R. 4745 would allow the federal government to move nuclear waste stored at or near California’s earthquake faults to more remote locations. It would authorize the U.S. Department of Energy to take title to nuclear waste in interim storage and contract with private companies to store the waste at a consolidated site.

The bill is needed because an existing proposal to store nuclear waste at Nevada’s Yucca Mountain has stalled. While the bill would not replace Yucca Mountain as a long-term solution, it would address the immediate concern in Southern California of San Onofre’s nuclear waste sitting near an active fault line and being adjacent to heavily used Interstate 5 and the Pacific Ocean, according to Bates’ office. H.R. 4745 is currently in the House Energy and Commerce Committee’s Subcommittee on Environment and the Economy.

### **Ancient glass-glued walls studied for nuke waste solutions**

Eureka Alert

April 26, 2016

[LINK](#)

PULLMAN, Wash. - The modern challenge of nuclear waste storage and disposal has researchers at Washington State University looking back at ancient materials from around the world.

They report on their work studying ancient glass and rock defense walls in a paper published in the May issue of American Ceramic Society Bulletin.

At the Hanford nuclear site in eastern Washington, the U.S. Department of Energy (DOE) is building the world's largest radioactive waste treatment plant for cleanup of 56 million gallons of radioactive and chemical waste. Researchers want to convert the waste, held in underground storage tanks, into durable glass that can be stored for thousands of years.

But they need to improve their understanding of how that glass would corrode, perform and alter over such a long time. Technique 'like nowhere else in the world.'

Led by Jamie Weaver, a WSU doctoral student in chemistry, the researchers are studying materials from the mysterious Broborg hill-fort in Sweden, where a tribe of people around 1,500 years ago melted rocks to strengthen fortifications against invaders. They piled boulders left by ancient glaciers into two large rings, put black amphibolite rocks on top, layered the wall with charcoal and burned it. As the rock melted, it infiltrated the boulders and cooled as glass, acting as glue for the wall.

"The technique is like nowhere else in the world," said John McCloy, associate professor in the WSU School of Mechanical and Materials Engineering and co-author on the paper. "They heated the rock until it melted -- and it is still quite intact 1,500 years later."

The Broborg site is valuable because researchers know what happened to the glass, how old it is and how it has worn. This can help them improve their models for long-term environmental protection, he said: "We need relevant timescales."

The project is led by the DOE's Office of River Protection (ORP), which is developing a testing protocol for nuclear glass to meet U.S. Environmental Protection Agency disposal regulations.

Pre-technology expertise inspiring

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Weaver, an intern at DOE's Pacific Northwest National Laboratory (PNNL), said she has gained appreciation of the ancient people and their techniques as she has studied them.

"Without electricity and all the technology that we have today, they did some really cool work," she said. "It's pretty awesome how smart and creative they were."

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The work is supported through DOE environmental management and is a collaboration between the National Historical Museums and Luleå University in Sweden, PNNL, WSU and the Smithsonian Institution's Museum Conservation Institute.

The research fits with WSU's Grand Challenges initiative to stimulate research to address some of society's most complex issues. It is particularly relevant to the challenge of "Sustainable Resources for Society" and its theme of meeting energy needs while protecting the environment.

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