

Deep Waste Dump Rewarded for Failure, Reopened with “Contaminated Environment”

By Arianne Peterson

On Jan. 4, 2017, the Department of Energy (DOE) reopened its Waste Isolation Pilot Plant (WIPP), which had been closed since a barrel of radioactive waste stored there exploded in February 2014. The New Mexico facility is the only one accepting transuranic waste (including contaminated tools, clothing, gloves, soil, and debris) from the federal sites involved in nuclear weapons production, and its 35-month closure has caused a backlog of packaged waste to pile up above ground at cleanup sites across the country.

When the DOE opened WIPP in 1999, it touted the underground site as a “permanent” storage facility for military radioactive waste that would “start clean” and “stay clean.” Now, significant portions of the site are permanently contaminated and workers have to wear respirators and protective clothing. The ventilation system which was damaged by the radiation release following the 2014 explosion is operating at a fraction of its original capacity; the DOE is replacing it with a new system expected to be ready in 2021, at an estimated cost of \$350-400 million. Citizens’ and environmental watchdog groups have expressed concerns about whether the site is safe to reopen.

Don Hancock of the Southwest Research and Information Center voiced disappointment when the facility was cleared for reopening in December 2016: “The question is how long it is going to be into the new year [before another accident happens]. People, especially workers, are likely to get hurt because they still have significant problems.”

The Mine Safety and Health Administration released a report in December warning that underground conditions have deteriorated significantly while the site was closed. The salt deposit that encloses the storage area contracts by as much as six inches per year, and keeping the dug-out waste rooms intact requires constant structural maintenance, which has been significantly interrupted by the 3-year closure.

WIPP’s reopening was delayed by two significant roof collapses in the waste storage rooms in late 2016. On Nov. 3, an eight-foot-thick section of ceiling more than 60 yards long crashed to the tunnel floor while workers were underground, causing an evacuation but no injuries. According to the Mine Safety and Health Administration Report: “Emer-



One of two deep-underground tunnel roof collapses that recently caused evacuations of the military radioactive “Waste Isolation Pilot Plant” in New Mexico. Photo: Energy Dept.

gencies are addressed immediately while lower priorities languish until they become emergencies... As the risk level increases, so does the likelihood of unanticipated events.”

After the Jan. 4 reopening, WIPP focused on burying the waste that had been left above ground at the site since the February 2014 explosion. The site’s first shipment of off-site waste arrived April 10, and the DOE expects to accept two shipments of waste per week until it makes improvements to the dam-

aged ventilation system later this year. A WIPP press release stated, “Initial shipments are expected from Idaho, Savannah River Site and Waste Control Specialists. Shipments from Oak Ridge and Los Alamos National Laboratory are expected later this year.”

In December, New Mexico-based groups Citizen Action New Mexico and Concerned Citizens for Nuclear Safety filed a Freedom of Information Act (FOIA) request with the Energy Department asking for documents related to preparations for reopening WIPP—including any financial incentives promised to the Nuclear Waste Partnership, the contractor that runs the facility, for speeding up the process. The DOE denied the groups’ request for an expedited return of FOIA information and they are appealing, citing a lack of transparency surrounding the reopening. While DOE officials have denied that bonuses are tied to the reopening, a 2017 Department of Energy Performance Evaluation and Measurement Plan for WIPP says the contractor could receive more than \$2 million for reopening and another \$2.1 million for completing a waste placement milestone within the first 90 days of resumed operations.

In fiscal year 2016, Nuclear Waste Partnership received \$11.2 million (around 72%) of a possible \$15.5 million in bonus funds.

According to ARS Technica, the *Times* reported in 2016 that the DOE added \$640 million to the contract for direct cleanup costs after the accident, which does not include the ventilation system replacement or the added price of keeping waste above ground at clean-up sites around the country over the past three years.

—DOE Office of Environmental Management Update, Jan. 17; *Exchange Monitor*, Mar. 7; ARS Technica, Apr. 25; *Carlsbad Current-Argus*, May 9, 2017; *Albuquerque Journal*, Dec. 6; *Santa Fe New Mexican*, Dec. 23, 2016

When Consent Doesn’t Matter — The Search for a Nuclear Dump Site

By Elena Hight

Just a few months ago, you could google consent-based siting and instantly find the Department of Energy’s webpage on the process, filled with documents, videos, and infographics on their plan to site nuclear waste. Now, all you can find are these two sentences: “Thank you for your interest in this topic. We are currently updating our website to reflect the Department’s priorities under the leadership of President Trump and Secretary Perry.”

Over 10,000 public comments are gone; detailed explanations of the integrated waste management and interim storage facilities have vanished; and videos from the eight public meetings held in 2015 and 2016 are nowhere to be found. There is nothing but those two sentences. Just like there is nothing about consent-based siting in the 2018 federal budget proposal issued late last month.

The Department of Energy began the consent-based siting process in 2015 after withdrawing its license application for construction on Yucca Mountain in

2010, a project that was widely unpopular in Nevada. The DOE held eight meetings in different cities across the US to discuss how they should go about siting more than 70,000 tons of nuclear waste created from nuclear energy production and nuclear defense programs. In the feedback the DOE received from those meetings and an open comment period, many nuclear activists and concerned citizens expressed their doubt that any such process could truly have the consent of every person affected by the nuclear waste repositories and interim storage facilities. Others said that the nuclear energy companies along with the department of defense, and not the community members whose well-being could be directly affected by the hazardous waste, should bear the brunt of the cost and effort needed to safely store the hazardous material.

While the process was flawed, it was at least better than reverting to a plan that had already been rejected due to its lack of safety and public approval. Yet that is, of course, what the Trump administration plans to do. The 2018 budget proposal states, “The FY 2018 Yucca Mountain and Interim Storage Programs’ FY 2018 Budget Request is dedicated

to resuming the NRC licensing process for Yucca Mountain and initiation of a robust interim storage program,” claiming this step is necessary “to accelerate progress on fulfilling the Federal Government’s obligations to address nuclear waste, enhance national security, and reduce future taxpayer burden.”

And yes, Yucca Mountain may hasten federal government’s ability to fulfill its obligations, and it could reduce taxpayer burden, a burden that has been increasing since 1998 when the government began paying damages to nuclear energy companies for continuing to store spent nuclear fuel on-site. But it is just as likely that it will waste time, energy, and money on a site that has already been deemed unsafe and untenable. Above all though, it shows the Trump administration’s willingness and eagerness to disregard public input and to ignore the political and ethical implications of such a move. It shows its willingness to act without consent.

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it stood in 2010 would still require adjudication, resulting in over 400 days of hearings.

Opponents to the dump have maintained their network, knowledge and strength. Since the November election, the Native Community Action Council, the only party to the licensing process that is not federally funded, has hosted a forum to defend Yucca Mountain. The National Grassroots Radioactive Waste Summit created a Yucca Working Group that gathered 80 organizational signatures on a letter to Congress objecting to any licensing of the abandoned site. All but one member of Nevada’s congressional delegation and majority of Nevadans are opposed to the dump. Lawmakers have introduced legislation requiring informed consent from local tribes and governments prior to licensing. The bill would codify the Blue Ribbon Commission’s recommendation that consent-based siting be agreed

before money from the federal Nuclear Waste Fund could be dispersed.

Some proponents of the site are undeterred and insist on following through with the portions of the Nuclear Waste Policy Act (NWPA) that made Yucca Mountain the destination for the nation’s high level radioactive waste. Dozens of disqualifying roadblocks have to be ignored to restart the process. Draft legislation to renew licensing proceedings, by amending the NWPA, has been heard in the House Energy and Commerce Committee. A few local politicians are driven by hopes of economic gain in return for accepting the waste. Commissioner Dan Schinhofen of Nye County, where Yucca Mountain is located, reportedly said, “... say give us \$50 million up front, and give us \$10 million a year.”

If funds for licensing are given Congressional approval, get ready for years if not decades of litigation and direct action.

Elsewhere on the Radioactive Waste Front

Ten million of the \$120 million requested for the DOE by Trump is for so-called “interim storage” in anticipation of long delays in licensing a dump at Yucca Mt. Two applications for such “interim” sites in controversial desert areas of Texas and New Mexico have been submitted to the NRC. Neither of the sites has undergone a consent-based siting or environmental impact process.

Waste Control Specialists, Inc. (WCS) has applied to accept more high-level waste at its site in Andrews County, Texas, but in April the firm suspended its application while in the process of being purchased by Energy Solutions, Inc. WCS has admitted to facing “enormous financial challenges.” Additionally, the Eddy Lea Energy Alliance and Holtec, Inc. applied in March to host 120,000 tons of high-level waste reactor in southeast New Mexico.

Meanwhile the DOE’s Deep Borehole Field Test proposal has been completely scrapped. The DOE

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