

NRDC Nuclear Program

Defense Authorization Committee

Staff Presentation

September 7, 2004

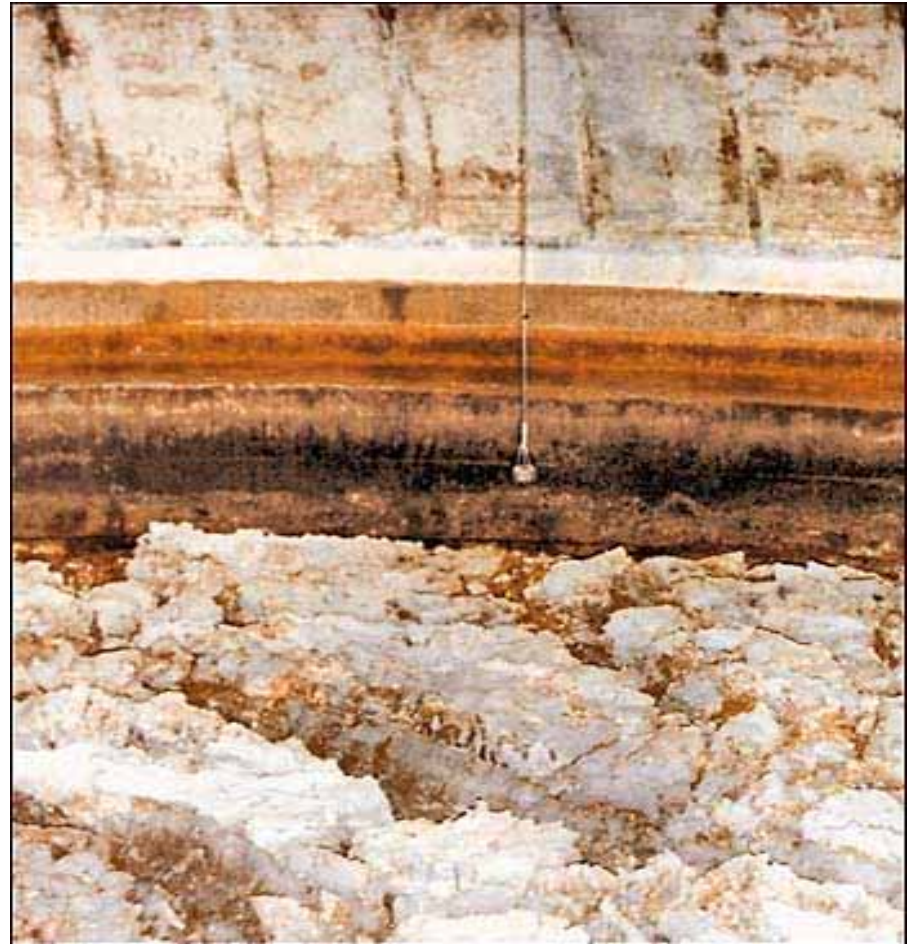
100 million gallons of the most lethal waste in the world.

- “High-Level Radioactive Waste” (HLW) is highly radioactive material resulting from the reprocessing of spent nuclear fuel.
- Historically, reprocessing means dissolving spent fuel in an acid bath and separating out plutonium and uranium from highly radioactive fission products.
- The desired products of military reprocessing are plutonium for nuclear weapons and uranium for reactor fuel.
- A byproduct is high-level radioactive waste.



The High-Level Waste Tanks

- There are nearly 100 million gallons of HLW in 251 tanks in Washington, Idaho, and South Carolina.
- The HLW is the radioactive, acidic and boiling residue of nuclear weapons production.



More “incidental” tank waste

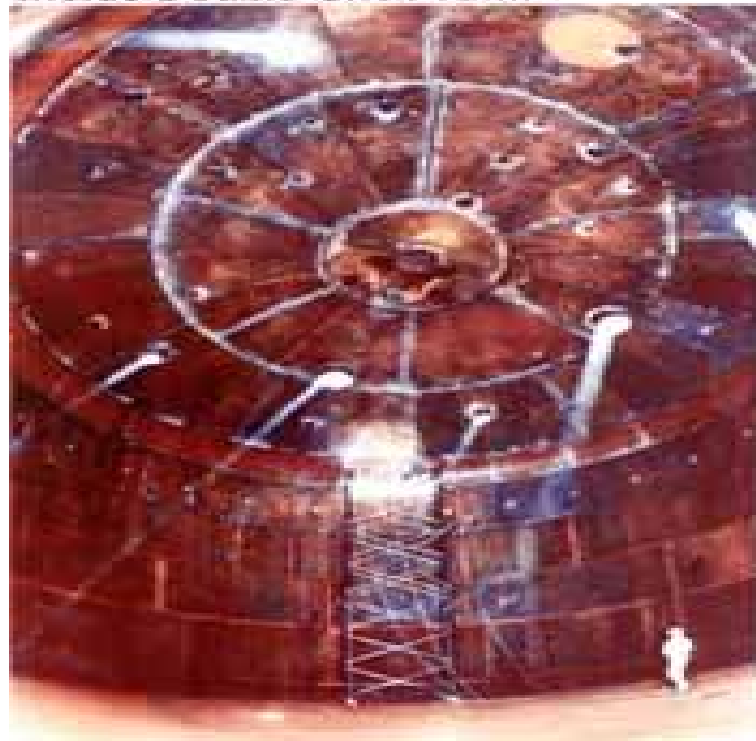
- Liquids and sediments are remotely tested in the tanks.
- A number of tanks in Washington had to be vented of volatile gases to avoid exploding.



The scale of the tanks is massive.

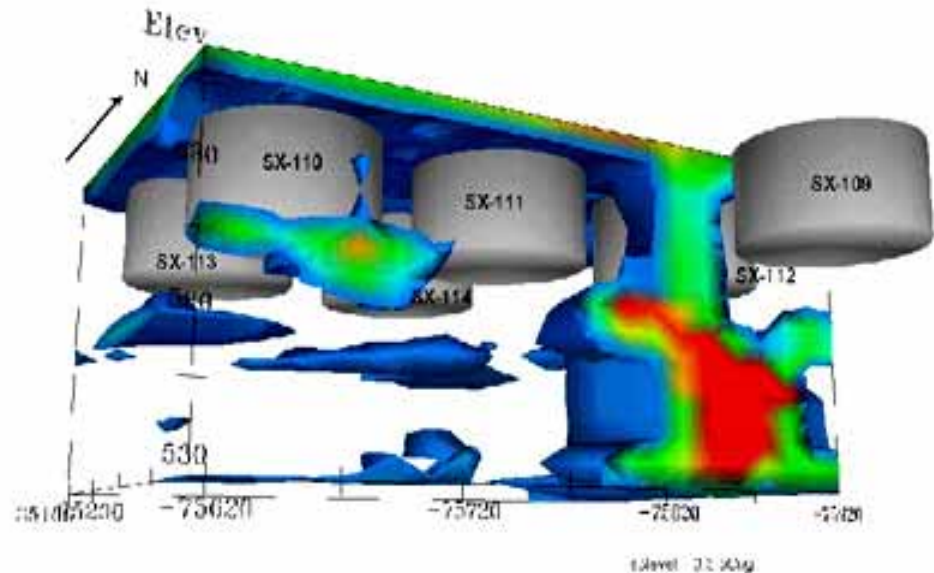
- A typical tank, shown here, was designed to hold over a million gallons of HLW.
- This picture was taken before waste was stored in the tank.

Inside Double-Shell Tank



The tanks are corroding and leaking.

- This is a DOE produced graphic representation of the over 1 million gallons of HLW that have leaked and are flowing toward the Columbia River in Washington.



The tanks were designed to be temporary.

- These tanks were constructed only to store the extraordinarily radioactive waste for decades.
- They were not designed as a permanent disposal option.
- 67 of these tanks have leaked over a million gallons.



DOE Order 435.1

- DOE Order 435.1, an internal waste management rule, was to allow for reclassification of unlimited amounts of high-level radioactive waste as “incidental waste.”
- This “incidental waste exemption” would have allowed DOE to abandon in the tanks, under a layer of grout, millions of gallons of the most lethal waste in the world.

The Litigation

- Complaint filed against DOE for issuing reclassification order in February of 2002 by NRDC, the Yakama and Shoshone-Bannock Nations, and the Snake River Alliance.
- The States of Washington, Idaho, South Carolina and Oregon entered as “friends of the court” and agreed with NRDC that DOE violated the law.

The HLW Decision

- On July 2, 2003, the Chief Federal District Judge in Idaho found for NRDC and wrote, “DOE has violated the NWPA by promulgating Order 435.1 as it relates to incidental waste and that portion of Order 435.1 is declared invalid.”

DOE asks Congress to reverse the HLW Decision

- On August 1, 2003, Secretary of Energy Spencer Abraham wrote Speaker of the House Hastert and requested that Congress reverse the HLW Decision.
- NRDC, fellow plaintiffs, and Idaho, Washington, South Carolina, and Oregon have objected to DOE's request.
- On August 27, 2003, DOE filed a notice of appeal in the Ninth Circuit.

