

Failed Idaho nuclear waste deal snagged on treatment plant

By KEITH RIDLER, Associated Press

BOISE, Idaho (AP) — Federal officials offered to remove twice the amount of high-level nuclear waste they proposed to send for research to an eastern Idaho nuclear facility in a deal with state officials that collapsed amid mounting concerns a nearly \$600 million waste-treatment facility might never operate.

Letters between the U.S. Department of Energy and Idaho Attorney General Lawrence Wasden made public by Wasden show that the federal agency balked at a counteroffer Wasden made seeking a way around the malfunctioning Integrated Waste Treatment Unit at the Idaho National Laboratory.

The Energy Department is trying to get a waiver to a 1995 agreement with Idaho because of a missed deadline converting 900,000 gallons of liquid waste into solid form.

Lacking the waiver, the federal agency on Friday canceled the first research shipment of 100 pounds of spent fuel worth an estimated \$20 million annually to the state. A second shipment of similar size proposed to arrive January is still in play.

The federal agency is obligated under the 1995 agreement to remove nuclear waste from the site, so it's not clear if the federal agency's offer to remove waste as part of the deal for the waiver is something new. The Energy Department also offered to send Energy Secretary Ernest Moniz to Idaho for a news conference with Wasden to tout the deal if Wasden signed off. Wasden declined.

"While I appreciate the DOE's offer, it does not address the underlying problem — DOE is not in compliance with the 1995 Settlement Agreement," Wasden wrote on Oct. 13 to John Kotek, acting assisting secretary at the Energy Department's Office of Nuclear Energy, and Steven Croley, general counsel for the federal agency.

Wasden proposed a counteroffer requiring the federal agency to start analyzing other ways than the Integrated Waste Treatment Unit to treat the 900,000 gallons. He also proposed that the federal agency set a date for deciding whether to abandon the treatment facility as a viable option. While the treatment plant has a history of problems, the letters for the first time reveal serious doubts about it ever working.

Another requirement called for the Energy Department to start an analysis under the National Environmental Policy Act for alternative treatment methods. The nuclear facility sits atop the Eastern Snake Plain Aquifer, a giant underground source of water relied on by regional cities and farmers.

Croley, in a letter dated Oct. 20, said "it is not realistic for us to establish the additional conditions you propose in exchange for allowing (a) small amount of spent fuel for research at (Idaho National Laboratory)."

The final letter, sent by Wasden, told the federal agency he wasn't adding new conditions, only seeking to hold the Energy Department to the 1995 agreement.

Wasden posted 10 letters in all, four emanating from the Energy Department and six from Wasden.

The correspondence has a gap between Feb. 27 and Aug. 14. The Aug. 14 letter Wasden sent to Kotek in the first line says Wasden appreciates "the open and frank discussions we have had," indicating some kind of less formal exchanges had been occurring over the summer.

Also during that time, Wasden made a trip to eastern Idaho to get a firsthand look at the waste treatment facility.

The letters generally maintain a cordial tone overlaying the difficult negotiation, and both sides strike positive notes about working together in the future. However, the status of the second proposed shipment of research spent fuel to Idaho is not clear.

"I remain hopeful that DOE is willing to sit down and engage in meaningful negotiations," Wasden said in a statement. "I've proposed a pathway forward and they know the details of that proposal. They know how to reach me."

The Idaho National Laboratory is one of 17 Department of Energy labs in the nation, and it is considered the primary lab for nuclear research. The Energy Department wants to send the spent fuel rods there to better understand "high burnup" spent fuel that is accumulating at nuclear power plants in the U.S. High burnup fuel remains in nuclear reactor cores longer to produce more energy, but it comes out more radioactive and hotter. It's cooled in pools before being encased in steel and concrete.

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