

# DOE files suit against state

The U.S. Department of Energy, through the Justice Department, filed suit last Wednesday against the State of Washington's Department of Ecology. In doing so, DOE officials said they moved to protect cleanup programs governed by the Tri-Party Agreement and DOE's accelerated cleanup program. The action challenges a recent determination by Ecology director Tom Fitzsimmons relating to transuranic waste cleanup.

The suit was filed in United States District Court, Eastern District of Washington, and in state court. Washington had filed its own lawsuit at the end of February, challenging certain DOE shipments of material to Hanford — shipments from other DOE sites that are also important to the accelerated cleanup plans.

"Recent actions by the State of Washington could have a chilling effect on cleanup operations at Hanford and elsewhere," said Jessie Roberson, assistant secretary for Environmental Management. "The Department of Energy has fundamentally changed the cleanup program for every site in the country."

Since 2000, DOE has shipped more than 550 drums of transuranic waste out of the state as part of its integrated and accelerated approach to cleanup. "The department is making good on its intention that, for every drum of waste brought in to Hanford, two would leave," Roberson said. "Some groups would like for you to believe that the shipment of waste is unsafe. It is not. Shipments are highly regulated and safe. In fact, it is disingenuous for those groups to make statements that shipments of waste going *into* Washington are not safe, but those going *out of* Washington *are* safe."

Roberson said Washington was the first state to sign on to the DOE's accelerated cleanup program, but she's not certain the state understands the unintended consequences of its recent lawsuit, which could affect shipments of transuranic waste around the country, including shipments leaving Washington.

"We believe we can work with the state on this issue to reach an eventual agreement, but in light of Washington's actions, we felt we had to file this lawsuit to protect our interests," Roberson said. ■