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Today Tri-Cities residents and private citizens Bob Ferguson, Bill Lampson and Gary Petersen, through their retained legal counsel of K&L Gates have filed their case in the United States Court of Appeals in Washington, challenging the President and Secretary of Energy's final decision to violate the Nuclear Waste Policy Act by abandoning the Yucca Mountain project for permanently housing high level nuclear waste.

Because the Department of Energy, through its spokesperson, stated that "nothing in the threatened litigation has altered its view that it can stop the Yucca Mountain approval process", it is clear that they are not going to follow the law which requires that they follow legal process, until a court orders them to.

Based on this statement and since Mr. Ferguson has not heard back in response to his request to meet on this issue, and in light of the announcement, decided to move forward now, in part to make sure that the government does not dismantle the project in violation of the law before a court can rule."

The letter sent to President Obama and Energy Secretary Steven Chu on February 19th had announced the intention to file suit against the Federal Government for violating the Nuclear Waste Policy Act (NWPA).

The NWPA requires the Energy Secretary to follow specific steps and undertake specific obligations to assure the preparation and construction of the Yucca Mountain repository.

"The Administration's actions directing Energy Secretary Chu to take Yucca Mountain 'off the table' and declare that it is 'no longer an option' directly violate the obligations under the NWPA," said Ferguson.

The Administration's action to terminate the Yucca Mountain repository leaves the nuclear waste at 121 sites in 39 states stranded indefinitely, including nuclear waste presently being stored at the Hanford reservation near to where Ferguson, Lampson and Petersen live and work. Abandoning the nuclear waste at the Hanford reservation indefinitely poses significant public health and environmental risks to the Tri-Cities and Hanford community. Presently, the Hanford site has liquid high level waste in storage tanks that have leaked and may be susceptible to further leakage, spreading radioactive

contamination into the ground water at the Hanford reservation and threatening the Columbia River.

In the letter sent to President Obama and Secretary Chu, Ferguson, Lampson and Petersen firmly conveyed the message that “the Administration and the DOE have broken the trust with the Tri-Cities communities and Washington State as well as other communities across the Nation. The DOE has ‘No Plan B’ as to where to permanently dispose of the Hanford nuclear waste and the Administration’s establishment of a Blue Ribbon Commission is not an excuse to stop following the law.”

Ferguson, along with Lampson and Petersen, have also urged their Washington State Congressional delegation and local elected officials to speak out and stop the Administration’s unlawful efforts to terminate the Yucca Mountain project.

On Wednesday February 24th, Governor Gregoire is reported to have said that a decision soon will be made on whether Washington State will join the effort to convince the Obama administration not to abandon Yucca Mountain as the nation’s nuclear waste repository. “It is a decision to be made by the (state) Attorney General,” Gregoire told the Tri City Herald. “He will make a decision in the next couple of days”.

This follows a letter sent to Governor Gregoire on February 19th by South Carolina Governor Mark Sanford encouraging her to join South Carolina in “pushing back” against the decision to abandon the 23-year bipartisan project establishing Yucca Mountain as the nation’s primary permanent nuclear waste storage site.

[K&L Gates LLP, comprises approximately 1,800 lawyers who practice in 35 offices, including Seattle and Spokane in Washington State and in Washington D.C. Lead counsel for the firm is Barry M. Hartman]

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