



Cogema: Above the Law?

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Also see a related newsletter article (based on the report; PDF only, 317KB), COGEMA: Above the Law? Some Facts about the French Parent Company of a U.S. Corporation Set to Process Plutonium in South Carolina ([Science for Democratic Action Vol. 10 No. 3](#))

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PRESS RELEASE

French Company With U.S. Contracts Choosing Its Own Science And Radiation Risk Estimates

U.S. Subsidiary Should Be Barred From Plutonium Work Pending Investigation of Parent Company, New Study Recommends

Washington, D.C. – COGEMA, the French nuclear giant, which reprocesses more commercial plutonium in the world than any other company, has taken the science of radiation protection into its own hands, overriding official scientific bodies and regulations, a new report claims. The report, COGEMA: Above the Law? Concerns about the French Parent Company of a U.S. Corporation Set to Process Plutonium in South Carolina, was released today by the Institute for Energy and Environmental Research (IEER) and the Safe Energy Communication Council (SECC).

COGEMA, Inc., a U.S. subsidiary of COGEMA (Compagnie Générale des Matières Nucléaires), is part of a consortium that is designing a plant to produce plutonium fuel from U.S. weapon-grade plutonium at the Savannah River Site near Aiken, South Carolina.

The report found that COGEMA had arbitrarily established its own threshold for radiological dose impact in Europe. Furthermore, the report uncovered several instances of disregard by COGEMA of French nuclear waste laws, prompting the law's author to declare that COGEMA was setting itself "above the law." COGEMA is more than 85 percent owned by various French government entities.

"COGEMA has simply declared by fiat that there is a threshold below which it will assume that radiation doses have 'zero impact'," said Dr. Arjun Makhijani, president of IEER and a co-author of the report. "This is an ominous and disturbing development. A company ought not to be taking law and science into its own hands. U.S. and international scientific bodies and regulatory authorities have repeatedly rejected the idea of a threshold for radiation damage, most recently in 2002. COGEMA's subsidiary should not be allowed to process plutonium in the United States



until it explicitly rejects the position of its parent company in a legally binding declaration.”

The report argues that while the U.S. Department of Energy (DOE) and the U.S. Nuclear Regulatory Commission (NRC) assert that COGEMA Inc. will have to abide by U.S. laws, the home-country corporate culture of defiance of the law calls into question whether its subsidiary, COGEMA Inc., can operate safely and responsibly and in compliance with U.S. regulations.

Since the parent company’s expertise in processing plutonium into reactor fuel (known as mixed oxide or MOX fuel) is the basis for the U.S. contract, its track record regarding compliance with laws as well as its position on radiation and health must be thoroughly evaluated, the report states.

“Incredibly, the NRC’s position is that COGEMA’s home-country record, ‘good, bad or indifferent’ is irrelevant,” said SECC Communications Director, Linda Gunter, a report co-author. “COGEMA’s many brushes with the law in France as well as the NRC’s own pattern of lax oversight cast doubt on the assumption that the COGEMA leopard will change its spots when it hunts on U.S. soil. We can trust neither of these two organizations to put public health and safety before financial expediency.”

COGEMA faces lawsuits in France that allege that it is violating that country’s nuclear waste law. While the courts have not yet made final rulings on the merits of these lawsuits, the parliamentarian who is the author of the French nuclear waste law, Christian Bataille, a nuclear power proponent, has also joined COGEMA’s critics. Bataille is on record as stating that COGEMA “considers itself above the law” because it is storing imported nuclear waste on site without proper legal authorization to do so.

In a 1997 citizen lawsuit brought against COGEMA for illegal storage of waste at La Hague, the presiding judge was forced to raid COGEMA’s offices to obtain the documents he had requested for the case. Bataille lauded the judge for “having the guts to insist the law should be obeyed.” This defiance of the law prompted South Carolina senator, Phil Leventis, to ask in a 1999 letter to Senator Strom Thurmond: “Do we want a company operating in our state whose culture includes defying the law? Do we want a company operating in our state that stalls on meeting its commitments to a judge for so long that he had to go to the company’s headquarters with a police escort? I know that I don’t.”

The report also found that:

- Using a legal loophole, COGEMA continues to dump liquid radioactive waste into the sea near La Hague. Under U.S. law, these liquids qualify as low-level radioactive waste and would require a special permit for dumping.
- Two separate medical studies have shown elevated rates of leukemia around La Hague, particularly among young people who consume local seafood. Despite mounting evidence to the contrary, COGEMA continues to assert its operations are not responsible for the cancer cluster, effectively putting a severe burden of proof on its neighbors. It is evident that COGEMA would deflect responsibility than eliminate liquid discharges, even though a dozen European governments are demanding it do so.



“People in France are already fighting to stop COGEMA from turning the La Hague site into Europe’s high-level nuclear waste dump,” said IEER staff scientist, Annie Makhijani, a report co-author. “Yet the DOE and NRC are paying no attention to its home country record.”

“The people of the United States should demand that the NRC, the U.S. Environmental Protection Agency and the DOE thoroughly investigate COGEMA’s home country record,” said Didier Anger, an elected official in the Basse Normandie region where COGEMA’s reprocessing operations are centered, and a long-time opponent of reprocessing. “That record should include documents relating to discharges to the environment, health, and unusual incidents, before its subsidiary is allowed to participate in plutonium processing in the United States.”