

Idaho Again Capitulates to DOE on New INL Buried Waste Agreement

On July 1, 2008, the State of Idaho and the Department of Energy (DOE) filed a legally binding agreement in U.S. Federal District Court called “Agreement to Implement U.S. District Court Order Dated May 25, 2006.”¹ This new Agreement details DOE’s Idaho National Laboratory (INL) buried radioactive waste removal obligations.

Idaho is again capitulating to DOE in this new Agreement by vacating crucial parts of the original 1995 Settlement Agreement with DOE that stipulated 65,000 cubic meters (cm) of transuranic and other specified waste be exhumed and sent to a non-Idaho deep geologic repository.

This new Agreement only requires DOE to exhume not less than 6,238 cm from the Radioactive Waste Management Complex/ Subsurface Disposal Area (RWMC/SDA). This is significantly less than the 1995 Agreement stipulating removal of 65,000 cm of transuranic waste, which continues to be, a gross underestimate.²

Also the 96.8 acre SDA “Retrieval Area” is now reduced to only 5.65 acres based on DOE’s “review of shipping and disposal records.” Leaving the remaining 30.2 acres of SDA buried waste permanently in place in a flood zone to continue leaching hazardous and radioactive contaminants into the underlying aquifer is unconscionable. The RWMC lies in a localized depression about 40 feet lower than the nearby Big Lost River that flooded the RWMC numerous times in the past.

The accuracy of these disposal records have been repeatedly shown to be grossly deficient especially during the earlier years when there was no attempt to segregate waste types and shipments were simply loosely dumped in whatever pit/trench was open at the time. [Ibid]

DOE’s secrecy is common knowledge and its intent to

keep is previous/current operations buried. But this Agreement goes further by stating that retrieval operations must be suspended when it “implicates national security issues involving classified information, such factors constituting the exclusive basis upon which DOE may request the suspension of a retrieval obligation under this Agreement.” [pg. 8]

National security for whom – protecting DOE’s illegal dumping at INL over the past 50 years? This eviscerates any concept of national security based on protecting public health and welfare.

Equally troubling is DOE will only “visually” determine (using a video camera) if the waste is “targeted” for retrieval. This is based on the absurd assumption that the waste containers after being buried for decades have legible shipping labels. As previous retrieval tests show, the majority of the waste containers (drums and wood/ cardboard boxes) have disintegrated. At the very minimum, multiple alpha/gamma radiation sensors must be mounted on the robotic excavator to determine retrieval. The “targeted waste” for retrieval is ridiculously narrow and the non-targeted waste will be returned to the pit and reburied. [App. F, pg. 1]

Idaho also allows DOE to leave “large objects” in place. This is another way of saying the numerous buried nuclear reactor cores from previous operations will remain in the SDA burial ground. Idaho is again allowing DOE to obfuscate its 1995 Settlement Agreement (SA) commitment to exhume all spent nuclear fuel, mixed hazardous, transuranic and alpha emitting waste from the SDA. [SA, pg.6]

Independent documentation shows this buried waste contains 640,000 curies of radioactive material in about 57,000 cubic meters of waste in the SDA. DOE’s own numbers are 634,000 curies in 36,800 cubic meters. 5

Groundwater monitoring data show extensive migration of RWMC/SDA radioactive and hazardous contaminants into the underlying Snake River Aquifer. Idahoans’ and downstream Snake River populations are legitimately outraged by this Agreement and the State’s complicity to allow DOE to leave most of this waste in place where it will continue to pose a significant hazard to the public.

Detailed comments on the inadequacies of this Agreement to Implement Buried Waste plan are posted; <http://www.environmental-defense-institute.org>

¹ The full text of the Agreement is available Idaho DEQ website at: http://www.deq.idaho.gov/inl_oversight/contamination/agreement_waste_removal_2008/; This Agreement is signed by James Rispoli, DOE Assistant Secretary for Environmental Management; Admiral Kirkland Donald, Director Naval Nuclear Propulsion Program; C. K. “Butch” Otter, Governor of Idaho; and Lawrence Wasden, ID Attorney General.

² Chuck Broschius, EDI Comments on Buried Waste Plan, 11/21/07; and Citizens Guide to Idaho National Laboratory, page 130; <http://www.environmental-defense-institute.org>

Environmental Groups Challenge DOE's Amendment to Waste Management Programmatic Environmental Impact Statement

In a May 14, 2008 letter to Department of Energy (DOE) Secretary Samuel Bodman, a coalition of five organizations headed by the Natural Resources Defense Council states in part;

"We write to you as organizations involved for decades in Department of Energy (DOE) nuclear waste issues, including regular participation in DOE actions under the National Environmental Policy Act (NEPA). Our organizations and members are directly affected by the proposed action of shipping up to 9,019 cubic meters of contact-handled (CH) and remote-handled (RH) [to radioactive for human contact] transuranic (TRU) waste to the Idaho National Laboratory (INL) and to the Waste Isolation Pilot Plant (WIPP).

"We ask that you withdraw the Record of Decision (ROD) on the Waste Management Programmatic Environmental Impact Statement (WMPEIS) of March 7, 2008. Before DOE undertakes the proposed action, it must conduct additional NEPA analysis because that ROD is not 'adequately supported by an existing EIS.'

"In addition, the information in the Supplement Analysis DOE/EIS-200-SA03 (SA) is so at variance with other DOE documentation that it is not credible and casts doubt on the credibility of other DOE documents regarding TRU waste."

"Several sites are not included in the WIPP Report and may not be able to send waste to WIPP, resulting in waste from those sites remaining at INL, in violation of the Idaho Settlement Agreement."

"The ROD states that waste from [Babcock and Wilcox in Virginia] BW and NRD will be shipped to INL 'only if that waste meets waste acceptance criteria for treatment at INL and is determined to be defense waste as required by the WIPP Land Withdrawal Act for waste to be eligible for disposal at WIPP.' The Report does not include BW or NRD waste. The Report also does not include CH waste from [General Electric Vallecitos Nuclear Center in California] GE-VNC, Paducah, and [Separations Process Research Unit in New York] SPRU in the 'WIPP-bound' Inventory, though each of those sites is included in the ROD and SA. Thus, it is not clear that those five sites have WIPP-acceptable waste, which also raises concerns about whether waste from those sites shipped to INL would be 'stranded' there, in violation of the Idaho Settlement Agreement. That possibility for the three additional sites is not analyzed in the ROD or SA. In addition, the Report

includes some 'Potential' waste streams from seven sites -- Bettis, Lawrence Berkeley, Livermore, Paducah, Hanford, [Separations Process Research Unit in New York] SPRU, [General Electric Vallecitos Nuclear Center (GE-VNC in California)] -- that are not currently allowed at WIPP and are not being included in the Recertification application to EPA. Thus, if those waste streams are included in the proposed action, they would be 'stranded' at INL, in violation of the Idaho Settlement Agreement. That possibility for those waste streams is not analyzed in the ROD or [Supplement Analysis] SA.

"The March 7, 2008, ROD must be withdrawn because it is not 'adequately supported by an existing EIS.' For DOE to proceed with the proposed action, which is not included in the WM PEIS, much more NEPA analysis is required. We urge you to immediately withdraw the March 7, 2008, ROD and the [Supplement Analysis] SA. We ask for your response by May 30, 2008."

For more information contact Don Hancock at Southwest Research and Information Center; 505-262-2371; srcidon@earthlink.net

Southwest Idaho Company Making Millions by Accepting Toxic Waste

Cynthia Sewell reports in *the Idaho Statesmen* 5/8/08; "Railcars loaded with 6,700 tons of radioactive waste will roll across the Treasure Valley this week, the cargo destined for a remote site south of Boise on a sagebrush-dotted plateau near the Snake River. And it won't be the first time.

This scenario has occurred regularly over the past several years. The site - Idaho's only public hazardous waste dump - has received more than 1 million tons of radioactive materials from the federal government during the past five years.

The US Ecology facility west of Grand View in Owyhee County is one of only 18 commercial facilities in the country permitted to bury radioactive or other hazardous waste. Treating and storing waste can be a financially lucrative endeavor.

In 2007, the Grand View facility received 800,000 tons of government and industrial hazardous waste from 37 states, with New Jersey, Pennsylvania and Missouri topping the hazardous waste suppliers.

Boise-based American Ecology, US Ecology's parent company, reported revenue last year of \$165.5 million with gross profit of \$45.5 million. American Ecology also owns hazardous waste disposal sites in Nevada, Texas and Washington.

But company officials say the more money American Ecology makes, the more the state of Idaho benefits. According to a 2006 economic impact analysis by economist Don Reading, American Ecology's annual economic contribution in Idaho is \$51 million in taxes, payroll and direct and indirect spending. The company paid \$1.4 million in state taxes in 2005.

The Grand View facility is Owyhee County's largest property tax payer and employer. "US Ecology Idaho currently employs 88 people between our disposal facility in Owyhee County, and our rail transfer facility in Elmore County," said Chad Hyslop, American Ecology spokesman. The operation may be lucrative, but the risks outweigh the benefits, said Andrea Shipley, director of the Snake River Alliance, a nuclear watchdog group.

"Contaminated waste can no longer be cloaked as economic development," Shipley said. "It is very dangerous the only solution is prevention" - dropping nuclear altogether and converting to clean, renewable energy sources.

KUWAIT TO IDAHO

The shipment now en route to Idaho is from Kuwait. In 1991, a fire at the U.S. Army Camp Doha ignited military vehicles and munitions containing depleted uranium used in armor-piercing shells. The shell fragments were removed and disposed in the United States by the U.S. Army in 2005. This incoming shipment contains the remaining 6,700 tons of lightly contaminated soil the fragments were removed from. The Kuwait Ministry of Defense contracted with MKM Engineers of Texas to package and transport the waste to the United States. MKM subcontracted with American Ecology to store the waste. Hyslop would not disclose how much American Ecology was paid for the service. But he said the Idaho-bound waste has very low levels of depleted uranium. It contains 10 parts, called picocuries, per gram on average.

The Idaho Department of Environmental Quality has permitted US Ecology to accept depleted uranium with up to 169 parts. DEQ, the U.S. Environmental Protection Agency and US Ecology have been working closely since September to ensure compliant shipment and receipt of the Camp Doha waste, said Brian Monson, DEQ's hazardous waste program manager. Despite careful planning, US Ecology and DEQ learned at the last minute of a slight change in the waste's content. Just as the ship was approaching port in Longview, Wash., on April 21, the Army reported the radioactive waste also may be contaminated with lead. "At the 11th hour, the Army notified US Ecology that additional testing revealed what may be a concen-

tration of lead in the waste," according to Monson. US Ecology is permitted to accept lead-contaminated waste, "so it is a paperwork issue, not a disposal issue," Monson said.

Hyslop said the transport packaging - bags inside steel shipping containers like those you see on barges and trains - is appropriate for both hazardous and radioactive material, so the recent lead-contaminated classification does not change the way the material will be handled, only its labeling. The contaminated sand will be off-loaded at a rail transfer facility near Simco Road south of Boise. Containers will remain sealed until they arrive at the Grand View facility, at which time DEQ's radiation health physicist will oversee receipt of and disposal of the waste.

HOW DID THE DUMP END UP HERE?

During the Cold War, the vast desert of Owyhee County was home to Titan intercontinental ballistic missiles aimed at the Soviet Union. The military built three missile sites in the early 1960s, each within 45 miles of Mountain Home Air Force Base. The silos were built for Titan missiles armed with nuclear warheads. The federal government sold the sites after they were decommissioned in the late 1960s and early 1970s.

A private company purchased the Grand View missile site and began using the empty silos for waste disposal. Envirosafe bought the site in 1981. The company quickly recorded violations - more than 33 between 1983 and 1994 - and accumulated fines of more than \$200,000. It was cited for dumping liquid hazardous waste directly into the landfill and allowing an enormous backlog of unprocessed drums to build up on the property. Envirosafe stopped using the missile silos [that had open drainage] for storage and began using lined pits.

American Ecology purchased the facility in 2001 and renamed it US Ecology Idaho. The facility has had no EPA or Idaho Department of Environmental Quality (DEQ) violations since, Hyslop said. Monson did not have immediate access to all inspection records, but he said he could not recall any violations. "They have been very good to work with," Monson said.

DEQ radiation health physicist works permanently at the Grand View facility. And DEQ hazardous waste inspectors conduct monthly compliance inspections, which include evaluating records and observing waste operations.

All wastes received and disposed of at US Ecology's Grand View facility are placed in DEQ-approved triple-lined disposal cells designed to keep the waste from leaching into the soil. The facility also includes groundwater monitoring and detection systems. The 1,000-acre site is located about three miles south of the Snake River, but Monson said a geological study completed in the mid-1990s by hydrologists found that there's no danger of waste contaminating the river. "It's remote, and it has exceptional

geology," Hyslop said. "There's 3,000 feet of clays and shales between the site and the aquifer. That's one of the reasons they located the missiles there, and it makes it a great place for waste disposal."

Maybe, but see articles below showing contaminate migration at other dump sites !

Nuclear Crossroads

Marty Durlin reports in *High Country News* 4/28/08; "In Washington state, a 1-million-gallon plume of radioactive waste is seeping from Hanford Nuclear Reserve toward the Columbia River. But in Washington, D.C., Dennis Spurgeon foresees a rosy future for the Department of Energy's nuclear program.

"Last November, Spurgeon, assistant secretary for nuclear energy, assured the congressional Committee on Energy and Natural Resources that the program will 'promote a significant, wide-scale use of nuclear energy in a safe and secure manner ... while decreasing the risk of nuclear weapons proliferation and effectively addressing the challenge of nuclear waste disposal.'

"It's been three decades since a nuclear power plant has been built in the United States. Now, under the 2005 Energy Policy Act, the Energy Department is working hard to lure new proposals, adding billions in tax breaks and 'cost overrun guarantees' and streamlining its licensing process with four ready-to-use designs, early site permits and a combined construction permit and operating license. The 104 nuclear power plants currently in the U.S. generate about 20 percent of the nation's electricity. Some Energy Department plans call for as many as 50 new nuclear plants by 2020, producing 50,000 megawatts. Twenty-two applications are currently on file with the Nuclear Regulatory Commission, including proposals for plants in Utah and Idaho. Nuclear weapon development is ramping up as well, with a budget next year of \$6.6 billion.

"At \$25 billion, the 2009 DOE's budget request is \$5 billion more than 2008. Meanwhile, the cleanup budget has plummeted for the fifth year in a row, dropping \$1 billion in just the past three years, according to Jane Hedges, Washington State's nuclear waste program manager. 'We thought that was telling,' she says.

"The cuts have left many Western sites, including Hanford and the Idaho National Laboratory, facing setbacks in

the dangerous and complicated mop-up of this country's nuclear messes. Washington State has even threatened to sue the DOE for failing to meet the terms of the Hanford cleanup agreement.

"**Now considered the most contaminated site** in the nation, Hanford - established in 1943 as part of the Manhattan Project - produced plutonium for nuclear weapons for more than 40 years. The 586-square-mile property in southeastern Washington once hosted nine nuclear reactors, five chemical separation plants and hundreds of support facilities. By 1987, all of the reactors were closed except the Columbia Generating Station, the only commercial nuclear power plant in the Northwest.

"The site has more than 170 massive underground steel tanks filled with acids, solvents and heavy metals, including the radioactive elements plutonium, cesium, strontium and uranium. Some 140 of the tanks are single-walled, 40 to 60 years old and 'unfit for use.' The original agreement called for the tanks to be cleaned out within several decades, says Hedges. But at current funding levels, with an \$8 billion cleanup budget shortfall over 10 years, it will take more than a century to empty them.

"On top of the 53 million gallons of tank waste, untold amounts of radioactive and hazardous waste languish in unlined landfills, along with 450 billion gallons of liquid waste in ponds, ditches and drain fields. The site has already contaminated 200 square miles of groundwater.

"**A state away**, failing tanks at the Idaho National Laboratory are leaking radioactive waste generated from nuclear weapons production into the groundwater. Chromium, tritium and other contaminants have already been detected in the Snake River Plain aquifer, sole drinking water source for more than 300,000 residents of eastern Idaho.

"Rep. Mike Simpson, R-Idaho, fears budget shortfalls will only make things worse, leading to spills of PCBs, uranium, plutonium and hazardous chemicals, and preventing necessary equipment maintenance. Simpson, with about two dozen House colleagues, is part of the Nuclear Cleanup Caucus initiated by Doc Hastings, R-Wash., in the mid-1990s. The bipartisan group and its Senate counterpart are currently stumping for more cleanup money.

"Meanwhile, permit changes at the Waste Isolation Pilot Plant in New Mexico have postponed shipments from Idaho and added to costs. And one long-planned "solution" to the problem, the proposed Yucca Mountain repository 90 miles northwest of Las Vegas, is beset with legal, logistic and budgetary challenges. It will not open for at least

another decade, if ever.

“But nuclear advocates, including some prominent psydo-enviros, believe the waste issue is solvable. ‘It is incorrect to call it waste,’ writes former Greenpeace activist Patrick Moore, now a nuclear industry spokesman, ‘because 95 percent of the potential energy is still contained in the used fuel after the first cycle. Now that the United States has removed the ban on recycling used fuel, it will be possible to use that energy and to greatly reduce the amount of waste that needs treatment and disposal.’

“Reprocessing produces waste that is intensely radioactive, toxic, thermally hot and difficult to contain, counters Susan Gordon, director of the Santa Fe, N.M.-based Alliance for Nuclear Accountability. And, she says, costs keep rising; this year, DOE estimated cleanup costs at \$225 billion, \$100 billion more than last year. Sites that were to be completed by 2035 are now delayed to 2040 or even decades later, she adds, and some sites where cleanup is in progress (including Sandia and Los Alamos in New Mexico) are also gearing up to produce a new generation of nuclear weapons. ‘As a result, cleanup becomes an ever more expensive, never-ending activity,’ says Gordon. ‘Despite years of trying to come up with a solution to high-level waste, at huge cost to taxpayers, nothing has been disposed of.’”

26 Defective Groundwater Monitoring Wells Discovered at Sandia Labs Following Citizen Group Complaints

By Dave McCoy

Citizen Action, a public interest group, has obtained a list of 26 groundwater monitoring wells throughout Sandia National Laboratories that require plugging and abandonment with installation of replacement wells. The list was obtained by Citizen Action after making a public records request to the New Mexico Environment Department.

Citizen Action and Robert H. Gilkeson, a ground water expert and geological scientist formerly employed by Los Alamos National Laboratories as lead consultant, filed complaints with the Department of Energy, the Environment Department and the U.S. Environmental Protection Agency that the wells installed at Cold War-era waste sites located at Sandia National Laboratories, Albuquerque, New Mexico, are not in compliance with federal and state

regulations. Following the complaints of Citizen Action and Gilkeson, NMED has produced a report that describes the need for the replacement of wells at waste sites such as the Mixed Waste Landfill, the Chemical Waste Landfill, the Tijeras Arroyo groundwater and Technical Area V.

The NMED report identifies the problems with the existing monitoring wells to include: 1.) corroded stainless steel wells screens; 2.) low water levels; 3.) high concentrations of nickel and chromium; 4.) well screens cross contaminating different strata; 5.) well screens that have filled with sediment; 6.) well screens that are too deep to monitor the aquifer; 7.) wells that were never properly designed or developed for groundwater monitoring; 8.) wells that represent a conduit to the groundwater for solvents; 9.) improper sampling methods .

All of these problems were identified in the complaints of Citizen Action and Mr. Gilkeson. Several of the monitoring wells were supposed to have served the purpose of monitoring for contamination after the closure of the various sites. Several of the wells supposedly had projected well lives left of up to 15 years but have failed for numerous reasons.

Citizen Action and hydrologist Gilkeson have stated repeatedly that the wells installed at the Mixed Waste Landfill are constructed in a way that can actually “hide” contaminants and that the well monitoring network has never been capable of furnishing reliable monitoring data. The Mixed Waste dump is located adjacent to the Mesa del Sol, a 35,000 home residential development with plans to drill a series of wells to supply drinking water for future residents. Mesa del Sol is one mile away from the boundary of the Mixed Waste Landfill. Property buyers, many from out of state are not being informed that they are purchasing property next to a nuclear toxic waste dump that is one of the most dangerous dumps in the U.S. The MWL contains 119 barrels of plutonium contaminated waste along with thousands of tons of depleted uranium, lead, liquid sodium, beryllium, tritium and solvents, etc. buried in unlined pits and trenches over a 30-year period. New Mexico Governor Bill Richardson received \$175,000 and company jet flights from the developer of Mesa del Sol for his gubernatorial campaign. Governor Richardson refuses to respond to public demand to excavate the wastes that lie above the aquifer that currently serves 16 municipal groundwater supply wells for Albuquerque. Silence is golden.

Gilkeson stated that “NMED is on the right track with requiring replacement of four of the monitoring wells at the Mixed Waste Landfill. But, three more of the wells at the legacy waste dump also require replacement because they are in the wrong location, contaminated with drilling muds, or too deep to monitor at the water table for contamination beneath an unlined trench where 270,000 gallons of radioactive wastewater was disposed of. There were never

any monitoring wells at the Mixed Waste dump that were able to detect contaminants that may have already reached the ground water. The MWL dump never had any monitoring wells that met requirements of state and federal law.”

Gilkeson’s recommendations first came to light for Sandia beginning in May 2006. In March of 2007 Citizen Action and Gilkeson requested that the US EPA conduct a review of the monitoring network at the Mixed Waste dump.

According to Dave McCoy, Director of Citizen Action, “EPA entered into discussions with the Environment Department regarding our concerns and four new replacement wells were ordered. However, the EPA Region 6 attempted to whitewash the extent of the problem and concluded there was no threat to the groundwater. We are currently demanding and will receive an investigation of that EPA cover up. The worthless groundwater monitoring data from these defective wells continues to be misrepresented by Sandia to allow the wastes to remain in place under a dirt cover. There is no technical basis for the dirt cover. The large number of defective wells in the NMED released report shows that the problem of detecting groundwater contamination at Sandia has not been in compliance with state and federal law. The extent of groundwater contamination at Sandia is not properly understood to protect public and the environment.”

NMED issued a permit to Sandia to cover the dump with 3 ft. of dirt -despite Sandia’s predictions that a cancer-causing solvent known as PCE will seep into Albuquerque’s drinking water by the year 2010. In fact the groundwater may already be contaminated with PCE and the defective monitoring network has hidden this knowledge. NMED has refused the 3 ft of dirt as a remedy to protect a similar but much smaller dump at Los Alamos National Laboratory.

Gilkeson said, “NMED should defer placing the dirt cover on the dump until reliable water quality data is collected from a new network of monitoring wells to investigate ground water contamination that may already exist.”

Citizen Action is being sued by the Environment Department for its request for a TechLaw report regarding contamination that could reach groundwater from the Mixed Waste Landfill. McCoy stated further, “Obtaining this list of defective wells at Sandia further underscores the importance of the public having full access to public records in this state.”

Gilkeson cited similar problems with the network of monitoring wells installed at waste sites at the Los Alamos National Laboratory (LANL). Recent reports by the Department of Energy (DOE) Inspector General, the Environmental Protection Agency (EPA), and the National Academy of Sciences support Gilkeson’s concerns for the monitoring wells at LANL. These reports give further

weight to Gilkeson’s concerns for the monitoring wells at Sandia.

The deficiencies found in the monitoring wells and sampling procedures for waste sites at both Sandia and LANL raise serious parallel questions at DOE’s Idaho National Laboratory waste burial ground in Idaho. See *Citizen Action* at: www.radfreenm.org.

Plutonium Contamination Migrating Into Groundwater

Roger Snodgrass reports in the *Los Alamos Monitor*; “For almost half a century, scientists have struggled with plutonium contamination spreading further in groundwater than expected, increasing the risk of sickness in humans and animals. It was known nanometer sized clusters of plutonium oxide were the culprit, but no one until now had been able to study its structure or find a way to separate it from the groundwater.

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“Scientists at the U.S. Department of Energy’s Argonne National Laboratory, in collaboration with researchers from the University of Notre Dame, were able to use high-energy X-rays from the Argonne Advanced Photon Source to finally discover and study the structure of plutonium nanoclusters.

“When plutonium forms into the clusters, its chemistry is completely different and no one has really been able to assess what it is, how to model it or how to separate it Argonne senior chemist Lynda Soderholm said. ‘People have known about and tried to understand the nanoclusters, but it was the modern analytical techniques and the APS that allowed us understand what it is.’

“The clusters also are a problem for plutonium remediation. The free ions are relatively easy to separate out from groundwater, but the clusters are difficult to remove. ‘As we learn more, we will be able to model the nanoclusters and figure out how to break them apart,’ Soderholm said. ‘Once they are formed, they are very hard to get rid of.’ Soderholm said other experiments have shown some clus-

ters with different numbers of plutonium atoms and she plans to examine -- together with her collaborators S. Skanthakumar, Richard Wilson and Peter Burns of Argonne's Chemical Sciences and Engineering Division-- the unique electric and magnetic properties of the clusters."

Source: Argonne National Laboratory, released: Thu 17-Apr-2008.

Over 112 Public Interest Organizations Support Immediate Action to Restore Whistleblower Law

In a May open letter to Senator Joseph Lieberman; Senator Susan Collins; Senator Daniel Akaka; Senator George Voinovich; Rep. Henry Waxman; Rep. Tom Davis; Rep. Todd Platts, public interest organizations state the following:

"The undersigned organizations write to support the completion of the landmark, eight-year legislative effort to restore a credible Whistleblower Protection Act. We offer our support to expeditiously complete the process of reconciling House and Senate passed versions of this vital good government legislation, H.R. 985 and S. 274.

"Unfortunately, every month that passes has very tangible consequences for scores of whistleblowers who still lack viable legal rights. In the first three months of this year, since both chambers passed their versions of the legislation, whistleblowers have a 2-49 win-loss record in initial decisions from administrative hearings at the Merit Systems Protection Board (MSPB). The clock is ticking on the rights of countless others. Since January, the Federal Circuit Court of Appeals has ruled against whistleblowers in another seven consecutive decisions on the merits, leaving a track record of 2-197 since the October 1994 amendments.

"We stand ready to assist you with any unresolved items by providing any information that would help expedite the process. It is crucial that the final bill:

- Grant employees the right to a jury trial in federal court after exhausting administrative remedies;
- Specifically protect federal scientists who report efforts to alter or suppress federal research;
- Extend meaningful protections to FBI and intelligence agency whistleblowers;
- Extend meaningful protections to federal contractors, similar to those provided to DoD contractors

and grantees in last year's defense authorization legislation;

- Extend meaningful protections to TSA screeners;
- Neutralize the government's use of the "state secrets" privilege in whistleblower lawsuits;
- Bar the MSPB from ruling for an agency before whistleblowers have the opportunity to present evidence of retaliation;
- Allow a whistleblower the right to be made whole, including compensatory damages;
- Grant comparable due process rights to employees who blow the whistle in the course of a government investigation or refuse to violate the law; and
- Remove the Federal Circuit's monopoly on precedent-setting cases even under "all circuits" review.

"During the coming weeks, we will be sharing updated research with the bases for these recommendations. While we recognize and respect the value of closed discussions to freely resolve any of these or other issues, we believe there should be an opportunity for public comment from all sides before a final result is presented as a fait accompli. This is both fair and prudent. Detached review by seasoned practitioners and whistleblowers could be helpful to prevent unanticipated results, or even the need to re-legislate any of these core issues. Many of our groups have worked closely with your staffs throughout the eight year process, and we look forward to continuing to contribute while our contributions would still be timely.

"This letter is not meant to in any way detract from our deep appreciation for the years of effort by your offices to produce an outstanding good government reform. Once the reconciled versions become law the real winners will be the public.

"Whistleblowers use freedom of speech to challenge abuses of power that betray the public trust. They can save lives or even change the course of history. FDA scientist Dr. David Graham's disclosures forced market withdrawal of the painkiller Vioxx, a drug which experts estimate may have caused more than 50,000 fatal U.S. heart attacks after our government officially labeled it safe. The Marines' Franz Gayl demonstrated that one quarter of American combat fatalities in Iraq may be traceable to Pentagon mismanagement that for two years prevented mine resistant armored vehicles from being delivered despite urgent requests being sent from the field. These courageous individuals blew the whistle despite knowing that the laws were stacked against them. But they are the rare exceptions. Once this critical legislation passes, conscientious

government employees will have the law on their side when they stand up against waste, fraud, abuse or illegality.

“That is why voters are so supportive of this reform. A February 2007 Democracy Corps survey found 79 percent of voters more likely to support a Congress that passes “a strong whistleblower law to protect government employees from retribution if they report waste of corruption.”

“We know that your offices share the commitment of every group signing the letter below. Beyond providing research, please let us know how we can participate to expeditiously complete this badly needed good government reform.”

For more information contact Government Accountability Project, 202-408-0034, Adam Miles (ext #132).

adam@whistleblower.org. *The Environmental Defense Institute, Keep Yellowstone Nuclear Free and Citizen Action are signatories to the above letter.*

French-government-controlled Uranium Enrichment Facility Planned for INL

The Boise based *Idaho Statesman* reported 1/30/08; “That a French-government-controlled nuclear energy company is in talks with officials in Idaho and other states over a planned \$2 billion uranium enrichment facility that by 2014 could supply fuel to commercial nuclear power plants.

“Areva Incorporated recently hired Erika Malmen, wife of Gov. C.L. ‘Butch’ Otter’s former chief of staff, Jeff Malmen, to lobby Otter and state lawmakers. Idaho legislators have been approached about providing hundreds of millions in tax incentives to help the company build a plant in eastern Idaho, near the Idaho National Laboratory.

“Areva spokeswoman, Laurence Pernot, declined to say if Idaho was on its short list and wouldn’t disclose the possible locations, but said the final announcement is due ‘in the coming weeks.’

“Idaho has recently become a target for nuclear projects, with one company, MidAmerican Nuclear Energy, recently abandoning a proposed facility and another still aiming to build a commercial reactor on 4,000 acres southeast of Boise.”

State of Idaho Makes Capstone Investment in Key INL Energy Research Facility

According to DOE/INL June 9, 2008, Media Contact: John Walsh; “Idaho Gov. C.L. ‘Butch’ Otter has announced that the state of Idaho will provide an additional \$2 million to help complete the Center for Advanced Energy Studies (CAES) research facility being built now in Idaho Falls at the University Place Complex. The \$2 million, drawn from the state’s 1995 Settlement Agreement fund, will help complete laboratories in the building, finish information technology systems and purchase furnishings. The new funding will be in addition to the \$17 million already provided for design and construction by the state and federal governments as well as by the private companies managing Idaho National Laboratory.

“The Department of Energy greatly appreciates the support the state of Idaho has shown for this critical energy research mission,” said Dennis Spurgeon, DOE assistant secretary for Nuclear Energy. “We look forward to INL’s researchers working side by side with those from the state’s universities.”

“The funds authorized by the governor will further contribute to CAES being ready for business on day one,” CAES Interim Director Harold Blackman said. “Governor Otter has clearly demonstrated the importance he sees in CAES’ potential to address national and international energy issues, while enhancing education and work-force training opportunities in Idaho. We really appreciate the state support in making CAES a reality.”

Editors Note: During this time of shrinking Idaho State funding for primary public services for education and health and welfare, it is unconscionable that the legislature is funding a failed nuclear program as opposed to a renewable wind, solar, geothermal program.

EDI thanks all of the financial supporters of our work that makes it possible to conduct the necessary research and publish this newsletter and other reports.

Blackwater Could Roll Into Northern Idaho

Marl Steward staff writer with the *Coeur d'Alene Press* 4/30/08 reports; "Blackwater Worldwide, a private security company, wants to build a regional law enforcement training center in North Idaho. The North Carolina-based company is negotiating a contract with the Idaho Peace Officer Standards & Training Academy to provide space and instruction to law enforcement personnel.

"Blackwater will be entering into agreement with the state of Idaho to build a training facility,' Anne Tyrrell said Wednesday. 'In this agreement, Idaho POST would be a tenant. There would be other law enforcement agencies from the surrounding areas.' Jeff Black, the executive director of the Idaho POST Academy, said no costs have been established and the idea still needs to be approved by the state.

"The dance begins,' Black said. 'There are a lot of things we need to work out. It's very early in the process.' Blackwater said it hasn't picked out a site for the future facility and declined to say what the facility would cost. 'It's too soon to say,' Tyrrell said. 'No decisions on land have been made. We're now looking for places to build. It's best if it's in a fairly remote location that is accessible.'

"The giant security contractor said Idaho Post requested the facility which would include: an emergency vehicle operation course, various shooting ranges, classrooms, dormitories, a cafeteria and administration buildings. The dormitories would house a minimum of 80 people, Tyrrell said.

"Law enforcement personnel would receive instruction from Blackwater employees, North Idaho College instructors and Idaho POST teachers. Black said Idaho POST will continue to use North Idaho College as an accredited law enforcement education provider once the facility is built.

"Judy Hodge, the dean of professional, technical, workforce education at NIC, said she hasn't been approached by Idaho POST about the project. 'This is the first that I've heard about it,' she said. 'I'd hope we would be included.' Black said because the project is in its infancy he hasn't met with college officials yet.

"Absolutely, we're committed to North Idaho College [NIC],' Black said. 'This is going to be nothing but a positive for NIC.'

"There's no timetable for the project, but Black said ideally he would start using the training center in 2009. Currently, all law enforcement agencies send their officers to the POST Academy in Meridian. For years, North Idaho police have complained about the distance and expenses related to training. Black and a Blackwater representative met with top local law enforcement officials Wednesday morning to unveil the idea."

Black said the reaction was mixed. Sheriff Rocky Watson expressed concern that Blackwater, which has big military contracts with the U.S. Department of Defense, partnering with Idaho POST will create the wrong impression with the public. "The perception that our law enforcement officers will be trained by mercenaries is a problem," Watson said. "Our jobs are totally different. We're not paramilitary. The perception is important to our customers."

Blackwater officials strongly maintain that no military training will take place at the facility here. "The biggest misconception is about what we do," Tyrrell said. "We're a private training company. We train law enforcement agencies all over the country. We have a law enforcement training center in Illinois."

Blackwater's military image ran afoul with some residents of San Diego. An organized opposition group blocked an effort to build an 824-acre military facility in 2007.

Blackwater is more than just a law enforcement training provider. The company, which was founded in 1997 by Erik Prince, provides training for U.S. military personnel at its main facility in Moyock, N.C. The company has faced media scrutiny about its role in Iraq. Blackwater is one of three big contractors providing security services to key U.S. personnel. DynCorp. and Triple Canopy also have employees deployed there. Blackwater personnel are accused of gunning down 17 people, including women and children last September in Iraq. The FBI is investigating claims made by witnesses that Blackwater guards shot and killed without provocation. Tyrrell didn't address the shooting allegations. She did point out that the U.S. State Department contract to provide security to diplomats and other U.S. officials in Iraq was renewed in early April.

Editors note: Jeremy Scahill's "Blackwater: The Rise of the World's Most Powerful Mercenary Army" (Nation Books) offers excellent background on this privatization and now unaccountable takeover of military and government operations.