

# Environmental Defense Institute

## News on Environmental Health and Safety Issues

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### Court Ordered DOE Documents Released Show Major Reactor Vulnerabilities

In 2005 Keep Yellowstone Nuclear Free, Environmental Defense Institute and David McCoy (Plaintiffs) filed a Freedom of Information Act (FOIA) request with the Department of Energy (DOE) for documents related to the Advanced Test Reactor (ATR) located at the Idaho National Laboratory. DOE refused to release the information claiming “national security” exemption. Plaintiffs subsequently filed a lawsuit in U.S. Federal District Court of Wyoming.

The Court issued a decision. In that 2007 decision the Court rejected the DOE's arguments that the Documents could be withheld for security reasons. The Court, balancing the need for open government with the possible threat of a terrorist attack at INL, stated "blocking public access to information necessary to critically assess the ATR's safety runs the risk that government decisions to extend the life of the ATR will go unchecked, with the possibility of a devastating nuclear accident 100-miles from Yellowstone and Grand Teton National Parks, crown jewels of this country's national parks."

But, the Court stated, "in light of the weighty considerations...the Court believes it prudent to err on the side of caution." Thus, the Court ordered an "in camera" inspection of the documents. Judge Downes therefore met with DOE counsel and experts and reviewed the documents to determine whether redactions could be made, such as the exact location of certain systems or equipment, before the documents were released. Now, having completed that review, the Court ordered that the documents be released with the stipulation that DOE could redact (censor) portions of the 1400 documents that had “legitimate” national security exemptions.

U.S. Department of Justice (DOJ) attorney Amy Powell, representing DOE told Plaintiffs that if the redactions are challenged, DOJ would appeal the challenge to the U.S. Circuit Court of Appeals and claim a new classification of un-releasable information.

Since this process already dragged on for five-years, Plaintiffs agreed 1/19/10 to settle the litigation given that DOJ/DOE agreed to pay all Plaintiffs attorney fees. The Settlement additionally stipulates: “Plaintiff further agrees to dismiss this action with prejudice. This release and dismissal shall not prevent Plaintiffs from in any way making future Freedom of Information Requests for any

other documents, including updated or revised versions, or portions of updated or revised versions, of the documents at issue in the lawsuit or from litigation any refusal by the Defendants to release such other documents to the Plaintiffs.”

Environmental Defense Institute (EDI) conducted an extensive review of the 1400 pages released by DOE by Court Order. This EDI review is blocked from including more than 210 pages of DOE censored redactions in this FOIA disclosure that include;

- a.) Updated Final Safety Analysis Report (UFSAR) – >104 pages;
- b.) Emergency Management Hazardous Assessment (HAD) – >98 pages;
- c.) Engineering Design Files (EDF) – >8 pages.<sup>1</sup>

In our litigation, DOE stood fast on refusing to release FOIA redactions related to operational ATR deficiencies because they could identify weaknesses that could be used "by an adversary to cause release of significant quantities of radioactive material..." Yet they released postulated data on accidents! The difference is crucial. DOE clearly understands that any credible legal challenge to the ATR's "safe operations" requires information about fundamental facility deficiencies!

Although important in quantifying risk, the postulated accident data are JUST scenarios; whereas, information that can identify crucial design/structural/seismic/operational deficiencies will raise fundamental questions on why this 40-year old ATR is allowed to operate for several more decades given the huge risks to the public.

The Advanced Test Reactor (ATR) located at the Idaho National Laboratory (INL) was designed in the 1950s - constructed in the 1960s using the regulations applicable at the time - and commenced power operations in 1969.

The ATR design is the most complex in the world due to the “serpentine” core fuel design<sup>2</sup> and “clover-leaf” core configuration. The nuclear power level controls are additionally complex which themselves have associated

<sup>1</sup> Plaintiff attorney Mark Sullivan, “Redaction Log.” Also see; Broscious Comments on FOIA Plus Specific Redactions (C) 11/5/09.

<sup>2</sup> Commercial nuclear power reactors have a straight forward vertical fuel core and control rod configuration.

vulnerabilities without even considering the very real problem of “system aging.” For example:

“The ATR has three reactivity control systems which are used to control and shut down the reactor. These systems are: 1.) Outer shim control cylinders; 2.) Neck shim rods; 3.) Safety rods (activated by the PPS [primary pump system]....The safety rods [also called control rods] are the only reactivity control elements modeled in the analysis to terminate power transients [reactor power spikes]....Full withdrawal of the safety rods requires about **20 minutes** when the timer is controlling the withdrawal....Perturbations [great disturbance] of the neutronic [sic] balance in the reactor core will result in an increase or decrease in reactor power....Larger perturbations will result in a **reactivity initiated accident since the regulation rod cannot compensate for the insertion.**” [Emphasis added] [SAR pg. 15.4-1]

The above discloses the uniquely complex reactor power control systems (each of which has their own vulnerabilities – discussed below. Additionally, the **20 minute** time required for the safety rod insertion radically contrasts to the **3-5 seconds** for power excursions discussed below. This is in contrast to commercial power reactors have relatively simple power control systems. In a ATR fuel melt-down;

“The initial temperature of the relocating material [molten ATR fuel debris] was assumed to be 1250 K [Kelvin] [976.84 Celsius], a conservative estimate for [fuel] melt held up in the core a few seconds after melting within **3-5 seconds of scram.**” [15.12-17]

This time difference between 20 minutes for safety rod insertion and the 3-5 seconds for fuel melt represents a crucial hazard/deficiency in the ATR safety systems ability to respond to reactor power excursions/transients/power spikes.

Most importantly, the Department of Energy’s (DOE) primary mission for the ATR is testing of new reactor fuel for the U.S. Navy’s Nuclear Propulsion Program, military/ NASA production (Plutonium-238) and commercial power reactor applications. This testing of fuel - fuel cladding (material that encapsulates the uranium) types is intended to simulate “real time” neutron exposure to evaluate how the fuel/cladding withstands actual reactor operating conditions. Consequently, there is a long history of fuel failures that are completely separate from the fundamental ATR system vulnerabilities. The Navy does not allow untested reactor fuel used in its nuclear submarines and/or aircraft carriers. NASA also demands tested nuclear fuel as well as production of nuclear fuel for its space power program requirements. There are other minor missions – such as medical isotopes production.

“The ATR has a cloverleaf arrangement of aluminum clad, plate type fuel elements which result in flux traps for experiment irradiations. The ATR also has a combination

of rotating shim drums outside the fueled area with small diameter shim rods inside the fueled area which allow operation with [nine] different power (flux) levels in different segments of the core.” [UFSAR-153, pg. 15.4-4]

This means that power flux levels in one of the nine flux tubes can be at 200 KW (200,000 Watts) and simultaneously 431 MW (431,000,000 Watts) in another flux tube. This range in concurrent power levels in different lobes of the reactor means equally different heat levels and coolant level requirements.

This degree of extreme design complexity – power levels - of the ATR would never be allowed in commercial power reactors due to the difficulty controlling reactor power levels and concurrent potential vulnerabilities inherent in excessively complex designs. Moreover, the ATR has virtually no containment in the event of an accident – unlike commercial nuclear power plants that have sealed concrete domes.

In summary, DOE intends continuing ATR operations through at least the year 2040 in its “Life Extension Plan (LEP).” Plaintiffs filed a separate lawsuit in 2007 with the U.S. District Court of Idaho<sup>3</sup> requesting that an Environmental Impact Statement be conducted by the DOE on this ATR-LEP program. The Court ruled in favor of DOE in this case and thus blocked the public’s right – normally provided under the National Environmental Policy Act – to a comprehensive assessment of the environmental consequences of past/future impacts of ATR operations.

This recent Wyoming District Court Order forcing DOE to release crucial documentation on ATR operations represents a significant step towards the public’s understanding about the ATR; however, it does not carry the same “official” comprehensive assessment or the opportunity for “official” public comment of an Environmental Impact Statement. The bottom line is DOE continues to use every political/legal device available to prevent the general public from knowing the truth about the hazards of continued ATR operations.

Clearly, DOE is obligated to explain why it’s not telling the whole truth to the public and its workers about the potential risks in continuing ATR operations (already at 40 years). In 2003 INL released 7,794 curies of radioactivity into the atmosphere, of which 1,180 curies are attributed to the RTC/ATR.<sup>4</sup> This significant radioactive public burden must be seen in the context of cumulative doses incurred by not only past/current INL but also past/current Nevada Test Site nuclear bomb test fallout on the region.

**In the coming months, EDI will post - in this newsletter – additional detailed findings on our FOIA document review.**

<sup>3</sup> KYNF-EDI at al. v DOE; Idaho Federal District Court, Civ. No. 07-36-E-BLW.

<sup>4</sup> DOE/EIS-0373D, 6/2005, pg. 3-26.

## Public Risks of Contamination Hiding in Secret Reports

The *Albuquerque Journal* Editorial on November 20, 2009 described the high costs to taxpayers for the New Mexico Environment Department (NMED) frivolous lawsuit against the environmental group Citizen Action. NMED sued Citizen Action to keep secret a report paid for with taxpayer dollars.

The court-ordered deposition of NMED Chief James Bearzi discovered that NMED uses “Executive Privilege” to hold hundreds more reports in a secret section of the NMED library. Governor Richardson should stop this nonsense and order NMED to release all of the reports and any other reports that are public property.

Citizen Action requested the additional reports in May 2008, but was informed that the documents are subject to “executive privilege” and that the request was “overly broad and burdensome.”

Using “executive privilege” allows NMED to tell the public only what NMED wants the public to know. The secret reports blow the cover off NMED’s biased decisions, shifting risk to public health and boasting of “transparency” in public service. NMED secrecy, in the vacuum of state and federal oversight, denies the public the benefit of millions of tax dollars paid for scientific studies and evaluations.

Describing the Sandia computer model as a “Black Box,” the 2006 Tech-Law, cautioned NMED against its acceptance to predict contaminant movement beneath the Sandia Mixed Waste Landfill (MWL dump), an old nuclear weapons dump located close to Mesa del Sol Subdivision. Radioactive and other chemical wastes were buried in the unlined dump between 1959 and 1988.

The Tech-Law report pointed out mistakes in the design of the dirt cover. A 2007 report by the National Academy of Sciences (NAS) explained that dirt covers *greatly increase* the danger of solvents to contaminate groundwater.

Keeping documents secret allows NMED to use its own studies as references, and hides dissenting studies from the public when NMED fails to receive independent confirmation. NMED made no mention of the criticisms contained in the secret Tech-Law report for the Sandia computer model during a May 2006 technical “public dialogue.”

Then in late 2006, NMED staff geologist, William Moats, wrote a report to wave aside concerns raised by Registered Geologist, Robert Gilkeson and Citizen Action about the unreliability of the groundwater monitoring at the Mixed Waste Landfill. One linchpin used by Moats was to rely upon the Black Box computer model earlier rejected by the Tech-Law report.

Additionally, the Moats report was based on a similar report at the Los Alamos National Laboratory (LANL). However, the LANL report was rejected by the NAS and the Environmental Protection Agency.

Citizen Action gained access to records that describe secret work assignments to Tech-Law at sites across New Mexico that hold high public interest:

- Tech-Law evaluations of Sandia computer modeling for contaminant movement beneath the Sandia MWL dump and for the engineering design of the MWL dump dirt cover;
- Tech-Law review of public concerns for the design and operation of the Triassic Park waste disposal facility; New Mexico’s only hazardous waste landfill.
- Tech-Law reviews of the LANL computer modeling for contaminant flow beneath LANL disposal sites; the NMED Corrective Action Order for LANL; safety of plutonium tubes at LANL disposal site MDA W; concerns for soil contamination in LANL canyons; safety issues for future LANL employees.
- Tech-Law review of a draft Clean Water Act document showing that LANL exceeded the Environmental Protection Agency maximum drinking water contaminant levels in 52 separate releases reported over a 9-year period with numerous suspected releases;
- Tech-Law review of Fort Wingate explosives sampling for the Open Burn/Open Detonation area and the TNT sampling beds; review of groundwater contamination from unexploded ordinance, PCBs and possibly mustard gas;
- Tech-Law review of Kirtland Air Force Base (KAFB) hazardous waste permit for open burn and open explosion, legal review of the KAFB fee case;
- Tech-Law assistance to NMED to electronically store the LANL Administrative Record;
- Request from NMED to Tech-Law about the compliance history of Western Refining Co. in Texas;
- Citizen Action gained access to costs sheets for Tech-Law Work Plans that add to many hundreds of thousands of dollars.

One of the secret Tech-Law reports reveals the failure of NMED to protect public health from the toxic wastes buried in the Sandia MWL dump. New Mexicans should demand a full audit of costs for the Tech-Law reports and any other secret reports.

*Editors Note: Dave McCoy is an EDI Board Member.*

## Five Reasons Not to Invest in Nuclear Power

**R**obert Alvarez reports in the *Huffington Post* 2/17/10; "On February 16, President Obama announced that the Energy department will provide an \$8.3 billion loan guarantee to the Southern Co. for its proposed nuclear power plant near Augusta, GA. "The loan guarantee program for new nuclear power plants not only will further the nation's commitment to clean energy, Obama said, "but also will assist in creating jobs in American communities." Unfortunately, nuclear energy isn't safe or clean and it's too costly for the nation.

News coverage has been mostly supportive and, in some cases, bordering on cheerleading. In his blog for the *Atlantic* magazine, Editor Daniel Indiviglio [laid out](#) "five reasons to cheer Obama's ambition." Let's take a closer look at these "five reasons."

*Reason #1: "Nuclear power is a known quantity. The U.S. has been successfully using this energy source for a very long time."*

Nuclear power is certainly well known to Wall Street, which despite its recent debacles, has refused to fund power reactors for more than 30 years because of their financial risks. Reactor construction costs climbed as high as 380 percent above expectations during the boom period for nuclear in the 1970s. Nuclear investors eventually wrote off about \$17 billion. Consider the 1979 Three Mile Island Accident, in which TMI investors lost about \$2 billion in about an hour, when the reactor core started to melt. Nuclear energy has depended primarily on the financial burden being born by the tax payer and rate payer. This is hardly a success story.

*Reasons #2 & #3: Semi-Shovel ready, Jobs now -- Jobs later*

A new nuclear reactor might provide 800 near-term jobs and as many as 3,500 new construction jobs later. This is comparable to the number of home weatherization jobs created in State of Ohio last year. Unlike energy conservation, in which jobs are created relatively quickly, nuclear reactor construction jobs may take several years to come about.

*Reason #4: Probably not very costly*

Costs for nuclear power have nearly doubled in the past five years. Currently reactors are estimated to cost about \$8 to \$10 billion. Moreover, the Congressional Budget Office and the Government Accountability Office estimate these loan guarantees have more than a 50-50 chance of failing -- something Energy Secretary Chu told the news media yesterday he was unaware of before signing off on them.

Because of the way the \$54.5 billion in loan guarantees are structured, the Federal Financing Bank (otherwise known as the U.S. Treasury) will provide the loans. Guess who will be left holding the bag if things go south?

*Reason #5: Preparing for America's Energy future*

Assuming that all \$54.5 billion in nuclear loan guarantees being sought by Obama are successful -- this will provide less than one percent of the nation's current electrical generating capacity. Replacing the existing fleet of 104 reactors which are expected to shut down by 2056 could cost about \$1.4 trillion. Add another \$500 billion for a 50% increase above current nuclear generation capacity to make a meaningful impact on reducing carbon emissions. This means the U.S. would have to start bringing a new reactor on line at a rate of once a week to once a month for the next several decades.

Meanwhile, Obama has pulled the rug out from under the nuclear industry by terminating funds for the Yucca Mountain nuclear waste disposal site in Nevada. After nearly 30 years of trying, disposal of high-level radioactive waste is proving to be extremely difficult. So Obama has convened a "blue ribbon" panel of experts to go back to the drawing board and recommend what to do two years from now.

The accumulation of spent power-reactor fuel is expected to double at reactor sites and poses new safety issues, which will be the reality for several decades to come. Spent fuel pools currently contain about four times what their original designs envisioned and may be more vulnerable to terrorist attacks than reactors. In 2004, a National Academy of Sciences panel concluded that drainage of water from a spent fuel pond by an act of malice could lead to a catastrophic radiological fire. One thing is certain. Republicans and Democrats do not want to restart a national radioactive waste dump selection process that's guaranteed to anger voters before the 2012 elections and beyond.

Nuclear Energy is an intriguing idea until you start to think about it."

*Editors Note: Robert Alvarez is an EDI Board member.*

## A Bad Day for America: Anti-Nuclear Activist Harvey Wasserman Criticizes Obama Plan to Fund Nuclear Reactors

*D*emocracy Now's Juan Gonzalez (JG) and Amy Goodman (AG) interviewed 2/18/10 Harvey Wasserman (HW).

AG: Harvey, welcome to *Democracy Now!* What is your response to President Obama's proposal?

HW; Well, basically, complete horror. This is a terrible decision. It's a bad day for America, a bad day for Obama. There's nothing that's happened with nuclear power in the last thirty years that's made it any more palatable, any more reasonable economically. There's no solution to the nuclear waste problem. We were on a path for a green revolution, where the jobs really are for the future of this country and where our energy supply can come from without ecological disaster. And here, the Obama administration is going with a failed twentieth century technology. It's completely counterintuitive. And it's a very, very bad day for America.

JG: And Harvey, the issue both of the disposal of nuclear waste from these plants as well as the safety of the plants themselves?

HW: The plants are no safer than they've ever been, and there is no solution to the nuclear waste problem. So, you know, it's a double whammy here. We have technologies that will work, that will provide the jobs that we need for this country. And Obama has gone in completely the opposite direction.

And I will tell you that the environmental movement, in general, is very unhappy about this. There will be tremendous resistance to this plant and to all the other ones that this administration may try to build.

It's quite indicative that, after all these years, the nuclear industry cannot get private financing for these reactors. They have to go to the federal government. And they can't find Wall Street support or other independent support to build these reactors, because the reactors are not economically viable. And you'd think, after all these years, they'd have made enough progress at least to get even private insurance. The reality is that these reactors will be underwritten, in terms of liability, by the taxpayer. God forbid if there's a mass accident at any nuclear power plant, including these, there will be only the federal government as an insurer, in case of liability.

An astonishing statement on the technology—can't work and will never work. And it's a terrible mystery as to why the administration has taken this bad step.

AG: Why do you think, Harvey Wasserman, that President Obama has done this? Who is he serving here? I mean, even the Heritage Foundation remarked, "Expansive loan guarantee programs are wrought with problems. At a minimum, they create taxpayer liabilities, give recipients preferential treatment, and distort capital markets." So you've got progressives, you've got anti-nuclear activists, you've got the right-wing Heritage Foundation—they're all opposed here. Who is he serving?

HW: Well, this is a big difference now. Not only the Heritage Foundation, but the Cato Institute and the National Taxpayers Union, these have all come out against these loan guarantees for fiscal reasons. And the fact is that the economic reasons, the economic basis for building

nuclear plants, is worse than it ever has been. So we really have no explanation for this.

You have to remember that the Obama administration started off with Van Jones and a whole program for green jobs, and it's abandoned that now in favor of going with a failed technology, nuclear power. The environmental movement is committed to stopping this. And we will do the best we can. The reality is that we're in the midst of a green power revolution. Solar, wind, tidal, geothermal, ocean thermal—all these technologies and, most importantly, increased efficiency—are moving ahead tremendously. And yet, there's just no, you know, indication here that the administration has gotten the message that these are the technologies that need to go ahead.

And it's interesting, because we started off with Van Jones. We started off with an industry that was going to make these strides forward. And now we see a complete reversal on the part of the Obama administration. The only explanation we have is that Obama was an Illinois politician. He was backed by Exelon, which is a major nuclear utility. And he seems to have basically completely abandoned the premise on which he was elected, that he would lead a green power revolution. And now he's gone to an obsolete, dangerous technology with no solution to the nuclear waste problem. You know, Amy, he's established a commission.

JG: Harvey, if I can, you mentioned the issue of Exelon, and I think that when you say that folks in the progressive movement are surprised, I wonder how surprised they should be, because I remember back during the presidential primary writing a column about the close ties between Exelon—Exelon is not just a nuclear power industry generator, it's the largest operator of nuclear power plants in the United States. I think it has seventeen. And the firm was a major—has historically been a major backer of President Obama. And two of his chief aides have ties to Exelon. Rahm Emanuel, as an investment banker, helped put together the deal that eventually merged, created Exelon. And David Axelrod was a lobbyist for Exelon. So there are very close ties between the chairman of Exelon, John Rowe, and the Obama administration. I think even *Forbes Magazine* listed it, talked about those ties. So I think that the President was very equivocal on the issue of nuclear power during the campaign, but that there was no—there seemed to be—the industry believed he was going to be their salvation.

HW: Well, he's certainly come through for his backers at Exelon there. And it's a tragedy for him and for the administration, but most importantly, for the American people. We're seeing the corporate interests flooding through this administration, getting pretty much what they want. And in this case, Obama has done a tremendously destructive about-face of taking the technology of the

failed—of a failed technology from the twentieth century and trying to use taxpayer, ratepayer money to foist this on the economy.

One thing about the selection of the Georgia site is that this—the reason they’re doing this in Georgia is because the ratepayers in Georgia are being forced to pay their share or the state’s share of this plant in advance. And so, you have ratepayers being essentially taxed by their rate-setting administrations to pay in advance for reactors that may never be built. The minimum that these plants will take to build is six or seven years, probably more than that. We’re seeing massive overruns already in a construction project in Finland and another one in France. It really boggles the mind to see this administration going down this path.

But we will resist, and we will fight them. There’s a huge fight going on, by the way, in Vermont right now, where the people of the state of Vermont are trying to shut the Vermont Yankee nuclear plant, which has been leaking tritium. And if you’re not aware of this, twenty-seven of the 104 nuclear plants in the United States have been confirmed to be leaking tritium now. These are plants that have been around for twenty, thirty years. If they can’t control more than a quarter of the operating reactors in the United States and prevent them from leaking tritium, what are they doing turning around with this technology and pouring many more billions of dollars of our money into it? It’s an absolute catastrophe, and we will stand up to it.

**AG:** Is this a done deal? And we have fifteen seconds.

**HW:** Absolutely not. We will be resisting these reactors. We will resist this funding. We will do our very best to prevent this construction from going ahead. The environmental movement is very focused on this. And this is—no way, shape or form—a done deal.

**AG:** Harvey Wasserman, I want to thank you for being with us, editor of [nukefree.org](http://nukefree.org), senior adviser to Greenpeace, book *Solartopia!: Our Green-Powered Earth*.

## Despite Non-Proliferation Pledge, Obama Budget Request Seeks Additional \$7B for Nuclear Arsenal

Democracy Now’s Amy Goodman (AG) reports 2/2/10; “As part of a record \$3.8 trillion budget proposal, the Obama administration is asking Congress to increase spending on the US nuclear arsenal by more than \$7 billion over the next five years. Obama is seeking the extra money despite a pledge to cut the US arsenal and seek a nuclear weapons-free world. The proposal includes large funding increases for a new plutonium production facility in Los Alamos, New Mexico. We speak with Jay Coghlan (JC), executive director of Nuclear Watch of New Mexico.

**AG:** President Obama proposed a record \$3.8 trillion budget for 2011 on Monday. The budget would boost war spending while trimming domestic expenditures. As part of the budget proposal, the Obama administration is asking Congress to increase spending on the US nuclear arsenal by more than \$7 billion over the next five years.

Obama is seeking the extra money despite a pledge to cut the US arsenal and seek a nuclear weapons-free world. The Obama administration argues the boost in spending is needed to ensure that US warheads remain secure and work as designed as the arsenal shrinks and ages. Part of the proposal includes large funding increases for a new plutonium production facility in Los Alamos, New Mexico.

We go now to New Mexico to speak with Jay Coghlan. He’s the executive director of Nuclear Watch of New Mexico. He’s joining us from the State Capitol building in Santa Fe.

Jay, welcome to *Democracy Now!* Respond to the budget and to the President’s policies on nuclear weapons.

**JC:** Where to begin? As you know, on April 5th last year, the President, President Obama, made a historic speech in Prague dedicating this country to the long-term national security goal of abolishing nuclear weapons. Well, the budget that was released just yesterday is a big, big step backwards. Just this coming year, it’s raising the nuclear weapons budget for the Department of Energy ten percent. But most particularly, it’s quadrupling, in some cases, the funding for new production facilities.

**J.C.:** Well, of course, we cannot disarm unilaterally. I myself would not want to do that. But what’s essentially happening is that the Democrats—that is to say, Biden and Obama—are basically being rolled by the seven to eight Republicans in the Senate that are needed for treaty ratifications. We have a new bilateral arms control treaty with Russia on deck and a long sought-for comprehensive test ban treaty.

The labs themselves, the nuclear weapons laborites—that being Los Alamos near me right now, also Sandia just south of me in Albuquerque, and Lawrence Livermore in California—they’re using this opportunity, just as they did a decade ago, the last time that the Comprehensive Test Ban Treaty was on the Senate floor for ratification. They’re using this opportunity to extract more taxpayer funding for their weapons programs, and they are not going to let go of eventually producing new design weapons in the future.

**A.G.:** All forty Republican senators, as well as Joseph Lieberman, implied in a letter to Obama last month that they would block ratification of the new treaty with Russia unless he funds a, quote, “modern” warhead and new facilities at the Los Alamos National Lab, where you’re near right now in New Mexico, and the Y-12 plant in Oak Ridge, Tennessee.

**J.C.:** You’re absolutely right. They’re playing muscle, and they’re rolling Obama and Biden. The Democrats are

now surrendering. The executive administration is now surrendering to that demand. Of course, at the time, a month ago, as you said, it was forty Republicans that wrote to Obama, essentially demanded a modern warhead and modernization. Now, of course, it's forty-one Republicans plus Lieberman.

Now, I've got to have some sympathy for the administration. They're truly between a rock and a hard place. And we're just three months out from a review conference for the cornerstone of the global non-proliferation regime, that being the Non-Proliferation Treaty, that's going to begin on May 3rd. And within the framework of this treaty, first signed in 1970 by the US and the other weapons powers, first of all, there's a pledge to eventually disarm. But how are we—how is the US now going to walk in with a straight face, walk into the UN, and claim that it's leading towards a world free of nuclear weapons, when in fact we are starting up a plutonium facility in Los Alamos, a uranium facility in Tennessee, but also a major new production plant in Kansas City for all of the non-nuclear components that go into a weapon?

So, basically, the US is revitalizing its nuclear weapons production base. And again, the laboratories mark my words, and as the Republicans already wrote, they're calling for or attempting to demand a, quote, "modern" warhead, that means new designs.

**A.G.:** It's interesting talking to you, Jay Coghlan, in the capital, in Santa Fe, New Mexico. New Mexico, if it were to secede from the United States, would be the third largest nuclear power, is that right? The United States, Russia and New Mexico.

**J.C.:** Of course, the numbers of warheads are highly classified, as they should be. But, yes, it's believed that just a few miles east of the runways of the Albuquerque International Airport, there is indeed a repository that has up to perhaps 3,000 warheads.

**A.G.:** I wanted to ask how nuclear power fits into this story. President Obama's budget also proposes a tripling of federal loan guarantees to help private companies build new nuclear power plants. You know, they haven't been built in decades here in this country because of the anti-nuclear movement. The administration is asking to approve \$54 billion in loan guarantees, up from \$18 billion. Last week President Obama promoted nuclear energy in his State of the Union address.

**J.C.:** Well, my response to that is I'd actually like to see the free market work in the commercial sector of nuclear energy. As what you just stated, these massive—proposed massive loans are essentially taxpayer-subsidized corporate welfare for the nuclear energy utilities. Again, let's have a little free market capitalism and have that energy sector rise and fall, rise or fall, on its own power. Strip away the subsidies, and let's see if it survives. I would contend that a dollar put into nuclear energy is a dollar robbed from true

solutions, the real renewable energies that New Mexico, in particular, could be leading in."

*Jay Coghlan, executive director of Nuclear Watch of New Mexico, speaking to us from the [Roundhouse] in Santa Fe, New Mexico, the state legislature.*

*See; <http://www.democracynow.org>*

## Radioactive Waste Dump at Yucca Mt. NV Canceled

**D**avid Demille reports in the *Spectrum* from St. George, Utah; "The Yucca Mountain nuclear waste disposal site is finished, according to the White House, after administration officials announced a 15-person commission to find alternatives. President Barack Obama wrote in a letter to the Department of Energy. "My Administration is undertaking substantial steps to expand the safe, secure, and responsible use of nuclear energy."

Yucca Mountain has been pegged as the nation's first permanent nuclear waste repository for more than 20 years, but Senate Majority Leader Harry Reid and other Nevada lawmakers strongly oppose using the site, located about 90 miles northwest of Las Vegas. President Obama has said he doesn't see Yucca Mountain as a viable option, and White House energy adviser Carol Browner said the White House is "done with Yucca."

"Downwinders," those who were affected by nuclear testing in the 1950s and '60s with increased rates of cancers and other serious diseases, remain cynical about any efforts by government regarding nuclear energy. "A lot of us are still licking our wounds over the fact that they thought so little of us to test these nuclear bombs over our heads when we were babies or little children," said Michele Thomas, St. George, who was officially declared a Downwinder when she was diagnosed with breast cancer in 1993 - the same type of cancer found in Japanese women in Nagasaki and Hiroshima after the World War II bombings Thomas called the commission a political move to stall any real decisions, and said the issue won't be solved by simply moving the waste to a different site - maybe even a site like the Energy Solutions facility outside Salt Lake City.

"Once you're a Downwinder and you've spent your whole life, decades, fighting to stay alive, you don't wish this on anyone," she said. The Radiation Exposure Compensation Program has approved payments of almost \$700 million in monetary compensation to almost 14,000 people who were found to have suffered.

Vanessa Pierce, executive director of the Healthy Environment Alliance of Utah (HEAL Utah), said the Yucca site was chosen as a political answer to larger states looking for a place to store the waste. It became known as the 'Screw Nevada Bill,' she said."