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DOE Denies Hazards with its Forty-year old Advanced Test Reactor

In January, 2007, Keep Yellowstone Nuclear Free (KYNF), Idaho-based Environmental Defense Institute (EDI), Mary Woollen, John Peavey and Debra Stansell ("plaintiffs") sued the Department of Energy (DOE) in Idaho Federal District Court, charging that DOE has violated the National Environmental Policy Act (NEPA) by failing to perform an Environmental Impact Statement (EIS) for their plan to extend the operating life of the Advanced Test Reactor (ATR) by 35 years.¹ Plaintiffs are represented by lead attorney Mark Sullivan of Jackson, WY, and local attorney Barton Thomas of Boise, ID.

The ATR is a nuclear reactor designed in the 1950s which has operated at DOE's Idaho National Laboratory (INL) since 1967. The ATR is seismically sub-standard, and suffers from failing safety systems and a maintenance backlog of thousands of man-hours. The ATR has exceeded its original designed lifespan, yet DOE is seeking to extend its operating life by 35 years through a \$200 million/yr "Life Extension Program" (LEP). NEPA requires that DOE conduct an EIS to determine what the environmental consequences would be of extending the life of the ATR through the Life Extension Program, as well as a thorough discussion of possible alternatives to the LEP.²

In lengthy court filings (8/23/07) DOE claims that an EIS is not required because the ATR-LEP is only a "planning document."³ Yet DOE is spending hundreds of millions of dollars annually to patch-up this antiquated reactor. NEPA requires an EIS whenever federal funds are committed. Clearly, DOE is trying desperately to avoid a comprehensive environmental assessment of the ATR that would expose major safety system deficiencies and potential hazards to the public in the event of an accident.

DOE is also trying to avoid public comment required by NEPA on an ATR EIS. Internal documents gained through the Freedom of Information Act clearly show DOE management refused to perform an environmental review of this project because of likely public reaction once the safety concerns at the ATR are disclosed,

As recently as August 9, 2007 DOE/ID Operations Summary states; "During a maintenance outage of the Advanced Test Reactor, a discrepancy was identified in the safety documentation of the reactor. A review of the concern is under way while the reactor is in maintenance shut down, and no interim controls are required."⁴

Even more egregious, is DOE's claim in court documents that; "Plaintiffs have failed to introduce any evidence that they have standing."⁵

Standing is a constitutional requirement. Basically, the courts must ensure that the parties before them have an actual stake in the outcome of the litigation. So, litigants must demonstrate a tangible, concrete interest that has been affected, or may be affected, and that any injury or potential injury can be redressed through court action.

Clearly, individual Plaintiffs John Peavey and Debra Stansell in this case who live about 40 air-miles from INL have standing. NEPA has long established a 50-mile impact area in INL Environmental Impact Statements. Living in such close proximity to the ATR, Plaintiffs also have a concrete interest in any future radiation releases from an ATR accident.

Debra Stansell's Declaration to the Court states that in 1983 I was diagnosed with radio-genetic (a condition commonly caused by radiation exposure) Acute Myelogenous Leukemia, sometimes referred to as "AML." I spent more than a year and a half in the hospital seeking treatment for her cancer. Fortunately, I recovered my health, and the cancer has now been in remission for more than 20 years.

Stansell believes that her condition may be attributed to her lifelong exposure to the effects of radiation from the Department of Energy's activities at INL. She also believes this because she is aware that during her lifetime both accidents and deliberate DOE activities, coupled with negligent waste disposal practices, have resulted in large releases of radiation from the site.

Stansell further states in her Declaration to the Court that I have lost two close friends, both residents of Aberdeen, ID, to rare forms of lymphoma and brain cancer. I have several more friends; also residents of Aberdeen that currently suffer from radio-genetic non-Hodgkins

¹ KYNF v DOE, U.S. District Court for the District of Idaho, CIV. No. 07-36-E-BLW

² For more details see EDI July 2007 and <http://environmental-defense-institute.org/>

³ Federal Defendants' Response to Plaintiffs' June 22, 2007 "Statement of Undisputed Material Facts" DKT. No. 20.

⁴ NE-ID-BEA-ATR-2007-0017

⁵ Federal Defendants' Memorandum in Support of Motion for Summary Judgment, and In Response to Plaintiffs' Motion for Summary Judgment, CIV.NO. 07-36-E-BLW

lymphoma. Furthermore, my younger sister, Diane Christensen, suffers from lymphoma, and my older sister, Peggy Graves, suffers from Multiple Sclerosis.⁶

Co-Plaintiff John Peavey states in his declaration to the Court that; my family has owned and operated a 28,000 acre sheep and cattle ranch located at 421 Flat Top Road in Carey (the "Peavey Ranch") for approximately 75 years.⁷ I am the third generation Peavey family member to run the Peavey Ranch, and both my son and grandson participate in ranch management. Thus, five generations of the Peavey family have been involved in the Peavey ranch. Carey and the main ranch house are located approximately 45 miles west of the boundary of the Idaho National Laboratory ("INL"), and approximately 55 miles west of the Advanced Test Reactor ("ATR").

Additionally, Co-plaintiff, Environmental Defense Institute (EDI) standing in this case is fully documented in a Declaration submitted to the Court.⁸ On more than 72 occasions, EDI staff/board members toured INL and/or attend federal agency meetings/hearings in Idaho Falls about 30 miles from INL. Also, EDI Board Member David McCoy until recently was a long term resident of Idaho Falls and maintains business/social contacts in Idaho Falls.

In response to Plaintiff's inquiry as to what, if any, NEPA analysis had been performed for the ATR's Life Extension Program (LEP), the DOE Idaho Operations Office convened a meeting of its 'NEPA Planning Board' on December 11, 2006. The following entry appears in the minutes of that meeting under the heading "ATR Life Extension Program":

"Addressed problems with ATR and how to go forward. Suggestions were made to do analysis-EIS. NE does not want it due to public response."⁹

"This is the smoking gun," said KYNF attorney Mark Sullivan. The meeting minutes were two pages from more than 30,000 pages of documents relating to the LEP that DOE unleashed on KYNF in response to its lawsuit. "It appears from this document that although some DOE Idaho personnel recognized that an EIS is required, DOE management refused to perform an environmental review of this project because of likely public reaction once the safety concerns at the ATR are disclosed," he said. "This is exactly the reason an EIS is required," said Sullivan. "It will bring the problems at the ATR into the light of day."

⁶ Debra Stansell Declaration, U.S. District Court for District of Idaho, CIV. No 07-36-E-BLW.

⁷ John Peavey Declaration, U.S. District Court for District of Idaho, CIV. No 07-36-E-BLW.

⁸ Charles Broscious Declaration, U.S. District Court for District of Idaho, CIV. No 07-36-E-BLW.

⁹ "NE" refers to DOE's Office of Nuclear Energy, headquartered in Washington, D.C.

"The public has a right to know the condition of the ATR and the environmental consequences that could result from DOE's plan to extend its life for decades to come," said KYNF Executive Director Mary Woollen. "DOE is afraid of what will happen if they lift the veil of secrecy surrounding this ancient and dangerous reactor. Such a blatant attempt to keep the public in the dark is outrageous and illegal," she said.

Co-plaintiff Mary Woollen states in her Declaration to the Court that; among other things, KYNF and EDI sought from the DOE, through the Freedom of Information Act ("FOIA") information regarding the likelihood and consequences of an accident at the ATR. In particular, KYNF requested, and has been denied several key documents; (1) the Hazards Assessment Document for the Reactor Technology Complex, referred to as "HAD-3"; and (2) portions of both the current and 1998 version of the Upgraded Final Safety Analysis Report (the "UFSAR") for the ATR.

The DOE has thus-far withheld this information from KYNF and EDI. KYNF, along with EDI, was therefore forced to file a FOIA complaint against the DOE in the Wyoming federal district court seeking disclosure of this and other documents. In that proceeding the parties have exchanged motions for summary judgment, and the parties are awaiting a decision from the Court.

In the course of that litigation, the DOE submitted the affidavit of Joel Trent, an engineer and manager of INL's protective force, dated January 8, 2007, which briefly summarizes the consequences of a severe accident at the ATR. The purpose of Mr. Trent's declaration was to convince the Wyoming Federal District Court that overwhelming national security concerns trumped the freedom of information act and justified the DOE's withholding of this accident information. He therefore provided the Court with a description of the worst-case accident scenarios at the ATR. Condensing hundreds of pages of material into two paragraphs, Mr. Trent summarizes the worst-case accident scenarios evaluated by the DOE as follows:

"The Worst Case scenarios evaluated in the SAR all result in major contamination releases that would be categorized as a General Emergency, meaning there could be off site doses above protective guidelines. The exact release quantities and resulting exposures are dependent on weather and other variables surrounding the release, but the worst case scenario analyzed results in a Threshold for Early Lethality ("TEL") exposure out to 19.4 km. TEL is defined in DOE G 151.1-1 Volume II as 100 rem, where risk of early fatality begins to increase significantly. These exposures would be reduced by evacuations or other protection measures, and the number of people exposed would depend on wind direction and speed, and the effectiveness of any notifications and evacuations. Because

the ATR is relatively remote (nearest site boundary 10.8 km, nearest public highway 5.3 km), the terror value in this type of scenario is derived less from immediate death, and more from perceived threat, long term cleanup costs, and rendering certain areas temporarily uninhabitable. However, terrorists could impede or stop any evacuation by employees from the ATR or nearby facilities, which could result in a much greater lethal impact for several hundred workers.

“For the worst case scenarios analyzed, the protective action guidelines (1 rem Total Effective Dose Equivalent & 5 rem thyroid Committed Dose Equivalent) could extend to a distance of 105 km. Anyone in the plume are would likely be evacuated to avoid short term radiation exposure. Long term consequences, including cleanup itself, loss of livelihood, damage to the environment, and the resulting impacts to markets and public confidence are difficult to quantify, but they would be significant.”¹⁰

As a point of reference, the Nuclear Regulatory Commission currently states that members of the public should receive less than 2 millirem (approximately 0.002 rems) in any one hour from external radiation sources in any public area.¹¹

Mr. Trent’s declaration frankly acknowledges that a serious incident at the ATR would have a significant impact public confidence, and cause “damage to the environment.” To say that Mr. Trent’s description of the consequences of a release of radiation from the ATR due to a “scenario” evaluated in DOE’s documents frightens me is an understatement. I find the prospect of an accident, or an act of sabotage or terrorism at the ATR, horrifying. It is for that reason that EDI, KYNF and I have filed this lawsuit regarding the DOE’s plan to extend the operating life of the reactor for another 35 years by embarking on the Life Extension Program.¹²

Push for Expansion of Radiation Exposure Grows Downwinders applaud Idaho, Utah delegations, Mayors for their efforts

The move to expand compensation for fallout victims under the Radiation Exposure Compensation Act (RECA) continues to grow as congressmen and mayors from Utah and Idaho demand hearings from the U.S. House Judiciary Committee. The Department of Justice

administers RECA.

Downwinders in Utah and Idaho are applauding their elected representatives and mayors for taking the lead in moving forward on the expansion of RECA and are encouraging delegations from other western states to join with them.

“For the first time in years there is real action being taken by Western members of Congress to obtain justice for all downwinders,” says J. Preston Truman, head of the group, Downwinders. “Following the defeat of Divine Strake, it was a joy to see congressional delegations from much of the West as well as newspapers and television stations across Utah call for expanding RECA to all those who were exposed. All downwinders see this as a sign that progress is possible and hope that the rest of the delegations who have yet to join in these efforts will soon do so.”

Rep. Bill Sali (R-Idaho) became the latest congressmen to write to the committee urging hearings, calling current geographic designations “arbitrary” and noting that it has been seven years since RECA was last seriously reviewed by Congress. Rep. Jim Matheson (D-Utah) and Rep. Mike Simpson (R-Idaho) were the first to send a joint formal letter to the leadership of the House Judiciary Committee requesting that it hold oversight hearings on expanding RECA.

Sen. Mike Crapo (R-Idaho) has been working with the delegations of Montana, Utah and Arizona to begin meetings to discuss the possibility of expansion. An initial meeting in May included staffers from the offices of Sen. Crapo and Sen. John McCain (R-Arizona) and Sen. Orrin Hatch (R-Utah).

Salt Lake City Mayor Rocky Anderson, Boise Mayor David H. Bieter and Emmett, Idaho Mayor Marilyn Lorenzen also have written to the committee urging it to honor the Congressmen’s request and hold hearings on expansion. Other letters are pending.

“The arbitrary boundaries established in the original Act leave out large areas of contamination including a major portion of Idaho,” Lorenzen wrote in her letter to the judiciary committee. “This is a very serious omission and needs to be revisited based on later research.”

“It’s great to hear that Congressmen Simpson and Matheson and others are asking for hearings on expanding RECA. We are most grateful Congressman Sali has given his support to their request for House Judiciary Hearings. His recent letter and that of the Gem County Commission shows the extent of support for obtaining justice for those harmed by testing and shows the unity among Idaho’s leaders.” says Idaho downwinder Tona Henderson. “Downwinders deserve the opportunity to tell Congress what happened to them during the years of nuclear testing and how they are still suffering and dying. We need to expand RECA and help Downwinders, first

¹⁰ Mary Woollen Declaration, citing Trent Declaration, Exhibit A, U.S. District Court for District of Idaho, CIV. No 07-36-E-BLW...

¹¹ Title 10 Code of Federal Regulations Subpart D, 20.1301

¹² Ibid, page 6

and foremost, by giving them screening clinics to detect cancers early as is currently provided those areas now covered."

Currently, only Downwinders with cancer in 22 rural counties in southern Utah, northern Arizona and eastern Nevada are eligible for compensation.

Downwinders for years have said that the geographic designation makes no sense, given how widespread the fallout from nuclear testing was.

"We've known since the National Cancer Institute Study released in 1997 that virtually every county in the continental United States received some level of fallout from testing," says Salt Lake City Downwinder Mary Dickson. "But, those findings were never taken into account by RECA, which was passed in 1981. It's time that RECA reflected the realities of the human toll of fallout rather than politically convenient boundaries."

After holding hearings in 2003 and 2004 on expanding RECA, the National Academy of Sciences Board on Radiation Effects Research concluded that geographic boundaries made no sense since the entire United States was affected. They passed their findings onto Congress to make recommendations. But nothing has happened until now.

Downwinders urge citizens in Idaho and Utah to call on their local government officials to join the growing chorus of those writing letters to the House and Senate Judiciary committees requesting hearings on these issues as soon as possible."

For more information Contact: Preston Truman, 208 766-5649; Mary Dickson, 801 232-3471; or Tona Henderson, 208 365-2669

Idaho County Downwinder sounds the alarm: Woman who grew up near Kooskia blames her thyroid cancer on nuke fallout; scientists, researchers agree

Dean Ferguson reports in the *Lewiston Morning Tribune* 8/19/07 that; "Shirley Squires once raced her horse alongside a herd of elk across a mountain meadow. She was a girl then, growing up on a cattle ranch near Kooskia in the 1950s and early '60s. Her youth was an idyllic portrait of rural life. A wilderness of syringa and pine stretched from her back doorstep. After Maternity Ridge, where the family's cows spent calving season, the next privately owned ground was somewhere in Montana.

Once in awhile Air Force jets buzzed the ridges,

shattering the stillness. But such intrusions were rare. "You think you are in a safe environment on a farm," says Squires, 50, who now live in Lewiston.

But the military was sending more than just jets over the remote Idaho ranch. In time for her 20-year class reunion at Clearwater Valley High School, Squires' doctor diagnosed her with thyroid cancer. She believes the cancer came from nuclear bomb tests at the Nevada Test Site, 65 miles north of Las Vegas.

She's not alone in that suspicion. Scientists, politicians and cancer-victim advocates agree Idaho's children were exposed to dangerous levels of nuclear fallout - showing up as cancer in today's adults.

In 1997, U.S. government researchers revealed that iodine 131, a deadly byproduct of nuclear blasts, blew into Idaho repeatedly between 1951 and 1962. There were 86 above-ground tests in Nevada during those years. The researchers in 1997 estimated that 49,000 cases of thyroid cancer could arise across the nation from those tests.

Born in 1957, when many farms had milk cows, Squires drank fresh milk daily. They churned the milk into butter. They shared milk with neighbors. Milk consumption is a major pathway for iodine 131 into people, according to the National Cancer Institute. "Every ranch up there had a milk cow, even if you didn't have a lot of land," Squires said. "Families were sustained on everything raised on the farm."

Iodine 131 landed on grass. Cows ate the grass and passed the isotope on in milk. Once ingested by people, it concentrated in thyroids - bow-tie-shaped glands in the lower neck. Average radiation doses were low but smaller thyroids in infants and children concentrated the dose to dangerous levels.

Those children, now in their 40s, 50s and 60s, might be facing cancer. Much of what is known about where radiation landed comes from the U.S. government-sponsored National Cancer Institute report released in 1997, which studied only iodine 131. Other cancer-causing radioactive isotopes were in the fallout as well.

Iodine 131 degraded quickly, losing half of its radioactive potency every eight days. That compares to strontium 90, also found in fallout, which loses half its potency every 28.8 years. The 300,000-page report drew conclusions from government monitoring of fallout after bomb blasts.

Idaho is home to four of the hottest counties in the nation: Lemhi, Custer, and Gem and Blaine counties. Only Meagher County in Montana was hotter. But Idaho County got a big enough dose to cause alarm, said nuclear expert Arjun Makhijani, who works for the Institute of Energy and Environmental Research in Maryland. All eastern Washington counties that border Idaho received a dose of the fallout, but at less alarming levels. "People who were born in Idaho, generally in the 1950s, should be

concerned," Makhijani said. "I think there has been enough fallout in Idaho."

The average dosage level is measured in rads, which is "radiation absorbed dose," and represents a person's lifetime cumulative exposure to radiation. People in the four top Idaho counties took average doses of 13 to 16 rads of iodine 131. Idaho County got an average of 9.4 rads, according the National Cancer Institute. Asotin and Whitman counties received an average dose of 2 to 4 rads.

The dose for an Idaho baby born in the 1950s, who was drinking milk, was probably more than 30 rads, a dangerous level, Makhijani said. Those rad levels compare to 1 rad a decade that people also get from natural radiation sources.

Girls are more likely to get thyroid cancer than boys. And the cancer has a long latency period, perhaps requiring another factor to trigger the cancer 15 or more years after the initial damage from radiation.

"Cancers grow slowly, many of them do," said Chris Johnson, epidemiologist with the Cancer Data Registry of Idaho. "Think of smokers and lung cancer. You may start smoking at whatever age, say 15 ... and not be diagnosed with lung cancer until your 70s or 80s."

The cancer registry does not show whether a county has higher rates of cancer related to nuclear fallout because most people in the registry were not born or raised in the county where their cancer is reported. Questions about what constitutes a "low dose" of radiation leads to a dark crevice of scientific dispute.

Makhijani calls that claim "ridiculous." "All 'low dose' means is you can't see immediate effects, you see delayed effects," Makhijani said. The hormesis effect shows short-term gains in scientific testing, he said. The long-term consequence is a higher risk of cancer.

While the two scientists disagree on the effect of a low dose of radiation, they agree levels of iodine 131 during the 1950s and 1960s were high enough to put children at risk for thyroid cancer. "I think that's fair. I think that's a fair statement," Gunnerson said.

Why radiation from Nevada would come north is a puzzle for people who know north central Idaho winds generally come from the west. But the wind sometimes comes from the south and bomb blasts sent radioactive material high enough to hit the jet stream and drop fallout in the north. That radiation came down as ash, dusting fruit and vegetables and soiling laundry in Gem County, said Tona Henderson, 47, a "downwinder" activist in Gem County, the second-hottest county in the nation.

Henderson's mother held her wedding reception outdoors in 1957, just 17 days after a nuclear bomb test in Nevada. The fallout drifted north, hit a storm front, and rained onto Gem County. A photograph captured the happy bride outside with 14 others. "All the people in mom's picture from the wedding have either had thyroid problems

or cancer, everyone of them," Henderson said. Henderson, who grew up on a dairy farm, counts 42 people in her family who have had thyroid problems or cancer. Thirteen have died. "No radiation is good for you," said Henderson, who "knocks on wood" when she says she has not had cancer or thyroid problems.

The Idaho Department of Health and Welfare is aware of the risks for Idahoans from past doses of radiation. The North Central Idaho Public Health District also knows and encourages concerned people to consult their doctors. As far as cancer goes, thyroid cancer is one doctors combat well, keeping 95 percent of patients alive.

Squires are not interested in political efforts to compensate victims. She isn't looking for anything from the government. "I feel lucky enough," Squires said. "I think I'll deal with it." She wants her neighbors and friends from Idaho County to know they may be at risk. To find out what kind of dosage they may have received, they can log onto the National Cancer Institute Web site, www.cancer.gov. The site includes a "dose-risk calculator." "I just want people aware so they can follow up on it and they should get their thyroid checked."

World's First Atomic Bomb Test Exposed New Mexico Residents to Radiation

Newswise reports 7/15/07 "From 1943 through the middle of 1945, while World War II raged in Europe and the Pacific, scientists and engineers at an isolated and top secret scientific laboratory near Santa Fe, New Mexico surmounted unbelievable difficulties to design and produce the world's first atomic bombs. One type used uranium while another used the newly produced and largely unknown element called plutonium. The scientists were confident that the uranium bomb would work, but they decided it was necessary to test the more complicated plutonium bomb before using it in combat.

The test of a plutonium-based atomic device at the Trinity Site in southern New Mexico on July 16, 1945 was an undertaking unlike any that humankind had tried before. There was much uncertainty among the Los Alamos scientists, military personnel, and Manhattan Project officials assembled for the event as to whether the device would work and how, if it did work, it would affect the local environment. Some even feared the blast would ignite the atmosphere and cause worldwide destruction.

As part of the Los Alamos Historical Document Retrieval and Assessment project being led by the Centers for Disease Control and Prevention (CDC), an independent study team has collected information about the world's first atomic explosion. While much information about the test

has been documented in government reports, and some has been reported in books in the popular press, there has to date been no public accounting of the total radiation doses that local residents received from the cloud as it passed over, from radioactivity that fell onto the ground around them, and from contamination of their air, water, milk, and the foods that they ate.

To avoid leaking the secret of the American atomic bomb project, local residents were not warned or evacuated in advance of, or following, the test. Numerous ranches existed in the area, some within 15 miles of "ground zero," and commercial crops were grown in nearby regions. Several residences closest to the Trinity Site were not known to Army Intelligence officers who had mapped the area. The terrain and air flow patterns in the area caused a number of "hot spots" with particularly high radiation levels. Five monitoring teams traveled along local roads in the hours after the explosion and recorded their findings, but portable instruments were very crude at the time.

The highest radiation levels from the Trinity Test were measured in a swath 12 miles long and one mile wide that started near an area known as White Store, about 16 miles northeast of "ground zero," and stretched across Chupadera Mesa. Around nearby ranches, exposure rates around 15 Roentgen per hour were measured just over three hours after detonation. Fallout was measured as far away as Indiana. As a point of reference, the Nuclear Regulatory Commission currently states that members of the public should receive less than 2 millirem (approximately 0.002 Roentgen) in any one hour from external radiation sources in any public area. Exposure rates measured after the Trinity test exceeded this level by more than a factor of 10,000.

In the 1940s, government officials had limited knowledge of the dangers of that would come from the radiation of a nuclear explosion, leading them to decide against an evacuation of the immediate area for secrecy reasons. As a result, people in the surrounding areas were exposed to radiation by breathing contaminated air and drinking contaminated water and goats' milk.

At the time, scientists and physicians focused on the immediate, short-term effects of radiation exposure. Widner, the director of the new study, believes if officials had known what is now known about the long-term effects of radiation exposure such as cancer, evacuations would certainly have been arranged, even if their publicity would have threatened the mission. The CDC team reported that ingestion of radioactive materials, primarily from rain water collected in cisterns and that found in goat's milk, may have been a noteworthy contributor to public radiation dose and largely was not accounted for.

Downwinders Concerned About DOE Site Fire Radiation

Ryann Rasmussen reports in *The Spectrum* 7/17/07; "When it comes to data from the National Nuclear Security Administration concerning increased radiation levels in Southern Utah - presumably because of the massive Milford Flat Fire - Andrew Kishner isn't easily swayed.

As a citizen concerned about harmful radiation levels, Kishner, who co-organized an anti-weapons test rally in Kanab, claims the NNSA hasn't been forthcoming with its information.

For one, he said the radioactive material registering on the equipment near the area of the largest recorded fire in Utah history might not be naturally occurring, low-concentration radon gas like the NNSA originally suggested. It might, however, be nuclear fallout material left over from tests decades ago, which, because of the fire, has been re-released into the atmosphere.

Also, Kishner said, the actual gamma radiation levels during the days when the fire was out of control may have been much higher than 140 MicroRem per hour, which was the maximum reading, according to the NNSA. "And the scary thing is we don't know how high these spikes go because the data isn't available," he said.

Because the Community Environmental Monitoring Program site in Milford averages all the gamma radiation levels it records in a 10-minute interval, Kishner said 140 MicroRem per hour was an average and not the actual maximum reading.

According to a graph on the CEMP Web site, MicroRems per hour, at times, reached 870. But because the graph only goes to 870 MicroRem per hour, Kishner said it could have been a lot higher.

Ultimately, Kishner said if what's being emitted is more than natural radioactive radon, he worries about the firefighters who battled the record-breaking blaze day in and day out. He's also concerned about the local Downwinders and their families. "I have a deep empathy for what suffering Downwinders have gone through," he said.

Richard Miller, who calls himself an environmental expert in fallout and has written books on the subject, said in an e-mail that it's unknown exactly what has been released by the fire because the CEMP sites only detect gamma radiation, not alpha or beta particles.

Some of the fallout particles at the nuclear testing sites, he said, are alpha emitters. That means the CEMP detectors will not recognize dangerous and carcinogenic radioisotopes like americium-241 and plutonium. "Now, alpha particles do approximately 20 times the damage to a

cell as an equivalent gamma ray," Miller wrote.

On Friday, Kevin Rohrer, a spokesman for the NNSA, told The Spectrum & Daily News that if what officials are finding is natural radon, then folks shouldn't be worried because the concentration is so low and the phenomenon is a natural occurrence.

However, Miller said radon itself is much more threatening in reality because the radioisotope radon-222 emits seven moderate-energy gamma rays for every 10,000 alpha particles.

"So if the CEMP sites are reporting radon based on gamma ray output, then they are indeed, A, making wild guesses, and, B, likely underestimating the true hazard by at least a factor of 20," he continues in the e-mail.

Miller said the biggest problem facing radioactive monitoring sites is inadequate equipment. To truly understand the radioactive particles in the environment, he said, alpha and beta particles also must be detected.

Rohrer acknowledges that although unlikely, the fire could have reactivated dormant radioactive fallout material from nuclear testing. But, even if that is the cause of the increased radiation levels, there wasn't much that could be done to prevent it in the first place.

"Simply the fire burning in the area, while it is possible, it's not probable that large amounts of cesium would be lifted up," he said.

Cesium, he said, is a particle that would indicate fallout material. So far, however, Rohrer said tests haven't revealed cesium, but officials are still studying the findings, and the results will soon be available to the public.

The numbers on the CEMP Web site that report higher gamma microRem per hour readings are also accurate, Rohrer said, but those figures are averaged to reflect a more practical rate of exposure.

As for Utah's largest wildfire on record, Kathy Jo Pollock, a public information officer for the Eastern Great Basin management team, said as of Monday afternoon the fire was 95 percent contained and acreage burned was still 363,052.

Pollock said crews already have started to leave or accept other assignments. Officials are still concerned about the unburned islands within the fire's boundaries, but a few remaining firefighters are keeping watch. "If anything flares up, they'll go ahead and suppress those interior islands if they do flare up," Pollock said.

Wild fires on the Idaho National Laboratory (INL) in recent years remains as a major public health concern due to the resuspension of radionuclides deposited in INL site soils from five decades of radioactive emission depositions. INL site wild fires consumed 12,500 acres in 2007, 62,000 acres in 2000, and between 1994-2000 136,000 acres.¹³

Veterans File Class Action Suit Against Veterans Administration

Amy Goodman reports on Link TV *Democracy Now* 7/31/07 "When Americans opposed to war call for a cut-off of funding of the war, the administration responds they don't support the troops. But a growing number of veterans' groups and military families are saying it's the administration that's deserted the troops.

In July, two major lawsuits were filed that could put the administration's treatment of veterans on trial. A class-action suit on behalf of hundreds of thousands of soldiers accuses the Department of Veterans Affairs of ignoring veterans' mental healthcare and overzealously denying medical care and benefits. The plaintiffs are two veterans' groups: Veterans for Common Sense and Veterans United for Truth. They say returning soldiers are denied care through outright rejection or the long waiting process in a backlog of some 600,000 pending claims. The suit also accuses the VA of collaborating with the Pentagon to avoid paying benefits by classifying post-traumatic stress disorder claims as pre-existing conditions. Up to 800,000 Iraq and Afghanistan veterans are said to suffer or risk developing PTSD.

Last year Congress cut \$80 million from the VA budget slated for PTSD treatment."

Radiation sickened 36,500 and killed at least 4,000 of those who built bombs, mined uranium, breathed test fallout

Ann Imse reports in 8/31/07 that; "The U.S. nuclear weapons program has sickened 36,500 Americans and killed more than 4,000, the *Rocky Mountain News* has determined from government figures.

Those numbers reflect only people who have been approved for government compensation. They include people who mined uranium, built bombs and breathed dust from bomb tests.

Many of the bomb-builders, such as those at the Rocky Flats plant near Denver, have never applied for compensation or were rejected because they could not prove their work caused their illnesses. Congressional hearings are in the works to review allegations of unfairness and delays in the program for weapons workers.

The *Rocky* calculation appears to be the first to compile the government's records on the human cost of

¹³ DOE/ID Operations Reports, Idaho INL Oversight Program.

manufacturing 70,000 atomic bombs since 1945. It is based on compensation figures from four federal programs run by the Departments of Labor, Justice and Veterans Affairs. Many people have been paid only recently.

More than 15,000 of the 36,500 are workers who made atomic weapons. They were exposed to radiation and toxic chemicals that typically took years to trigger cancer or lung disease. Others were civilians living near the Nevada test site during above-ground nuclear tests; soldiers and workers at test sites; and uranium miners and millers who breathed in radioactive dust until 1972 when the government stopped buying uranium.

At least 4,000 of the 36,500 died. This number reflects cases where survivors could be paid only if their relative died of the covered illness. Many more of the 36,500 likely also have died of the deadly diseases triggered by their work. But in most of the compensation programs, the government does not track deaths or cause of death, so the true number who gave their lives to support the nuclear bomb program probably will never be known.

Some were contaminated through accident or ignorance. But government documents have revealed that officials at times risked the health of civilians, soldiers and workers because they believed national security demanded it. One early Atomic Energy Commission director, Lewis Strauss, wrote to a civilian who had been downwind of atomic test fallout that the danger of fallout was "a small sacrifice compared to the infinite greater evil of the use of nuclear bombs in war."

Well into the 1960s, hundreds of thousands of American troops were placed within a few miles of nuclear tests to determine their ability to March and fight shortly after a blast. The Atomic Energy Commission barred them from being closer than 7 miles, but the military cut that by more than half.

"In those days, we were training military personnel to fight a nuclear war. The Department of Defense had to know the effect on soldiers, sailors and airmen who moved within hours into a hot zone," said R.J. Ritter, who now runs the National Atomic Veterans Association and lobbies for aid to those contaminated troops. "Nobody had a clue what would happen years later from inhaling those particles."

One of those servicemen was Howard "Howdy" Pierson. He had no idea when he was trucked into the desert from California in 1957 that he was about to watch a nuclear blast from just three miles away.

The Marine gunner was dropped into a trench and told to turn around and cover his eyes, according to his widow, Deb Pierson, of Loveland. It was the day after Independence Day, and "Shot Hood" filled the pre-dawn sky with a bright light seen in Los Angeles and a towering orange mushroom cloud.

It was a hydrogen bomb - the biggest nuclear weapon

ever detonated inside the U.S., five times more powerful than the one at Hiroshima. Three miles from ground zero at Hiroshima, nearly every building was damaged, according to the U.S. government.

Howdy Pierson's trench caved in. Dirt - already contaminated by previous tests - poured down on them, he told his wife years later. An airman who was at the same test said in the book *American Ground Zero* that the blast wave threw him 40 feet. He said it felt like being cooked.

A Marine who was marched toward the mushroom cloud said he wondered why anyone would be assaulting Ground Zero minutes after a blast. "What's to assault?" he said in a posting on a Web site for nuclear veterans.

About 200,000 troops were brought in to witness and work on U.S. nuclear tests over the years, according to the Pentagon. For decades, they were barred by national security from telling anyone what they had seen.

Pierson died of lung cancer in 2000. Deb Pierson, who works for Larimer County helping veterans apply for benefits, didn't win a widow's compensation for her husband's lung cancer until Congress revised the law in 2002. The change granted compensation to any veteran who developed lung cancer after breathing radioactive dust at the nuclear tests.

The Veterans Administration, however, is fighting Pierson's attempt to get benefits back to the day he filed his claim. Lawsuits by contamination victim's uncovered evidence over the years that many officials knew the dangers, and ignored them or covered them up. Officials blocked safety standards for uranium dust and beryllium and promised residents above-ground tests posed no danger. "A lot could have been prevented if they had given the least bit of warning" said J. Turner.

The U.S. did not begin to admit that Americans were sickened by the weapons effort until the 1980s. The first compensation programs had such tough standards that few people were paid. Under the Clinton administration, with the Cold War over, previously secret information became public. Americans successfully lobbied for compensation. But the programs remain complicated by the difficulty of finding exposure records."

DOE sick worker compensation program in poor shape

The DOE Energy Employees Occupational Illness Compensation Program Act (EEOICPA) needs your help. The program is broken and badly in need have repair. Here are some things you need to know about the compensation program for sick DOE workers:

- Claim processing time can approach 3 to 4 years for a

final decision.

- Over 60 percent of cases processed have been denied.
- Only about 23 percent of applicants have received payment.
- According to Senator Alexander there are about 7,000 Tennesseans in the EEOICPA system waiting for a final decision.
- The 2007 fiscal year budget for EEOICPA was cut by \$686 million.
- In the 2007-2008 fiscal year budgets combined, the EEOICPA program has lost a total of \$502 million.
- Sen. Corker stated in a June 5, 2007, press release that “critical components of EEOICPA face serious funding shortfalls and the program already has taken steps to cut back on claims processing.”
- The Government Accountability Office released a report that details \$26.4 million in improper and questionable payments. Those improper and questionable payments for contract cost represented nearly 30 percent of the \$92 million in total program funds spent and paid out through Sept. 30, 2005.
- Dr. David Michaels, the architect of the EEOICPA program, testified before a subcommittee of Congress in 2003, “I am disappointed to report to this committee that DOE leadership made decisions to set up a program that will compensate as few people as possible, as slowly as possible.”
- According to Peter Eisler of USA Today, Dec. 5, 2006, “Since 2002 there is a continuous stream of administration communication strategizing on minimizing payout.”
- According to the Rocky Mountain News of March 10, 2007, documents released show federal officials secretly schemed to limit payouts for sick and dying nuclear weapons workers.
- Also from the Rocky Mountain News of March 10, 2007, “Department of Labor wanted the White House to override scientific decisions granting compensation and pack the program’s advisory board with members less sympathetic to workers.”
- In 2006, Richard Miller, senior policy analyst for the Government Accountability Project, testified before a congressional subcommittee that the Department of Labor had urged changes in the advisory board on Radiation and Worker Health geared to weaken the independent board’s oversight. He also testified at that time that the advisory board was not in compliance with the requirements of EEOICPA.

EDI thanks J. Preston Truman for his media research used in this and previous EDI newsletters.

Government Accountability Office Report U.S. Financial Condition and Fiscal Future Briefing

The Congressional General Accountability Office (GAO) issued a report authored by Comptroller General for the U.S. David M. Walker on August 7, 2007.¹⁴

This report states “Explicit Liabilities” as of 2006 at \$10.4 trillion dollars which is a 52% increase over the \$6.9 trillion 2000 debt. GAO included in 2006 Explicit Liabilities as:

- Publicly held debt (1/3 held by foreign governments;
- Military and civilian pensions & retiree health;
- Other;

The report lists 2006 “Commitments & Contingencies” at \$1.3 trillion and “Implicit Exposures” at \$38.8 trillion that include:

- Future Social Security benefits;
- Future Medicare Part A benefits;
- Future Medicare Part B benefits;
- Future Medicare Part D benefits;

The total major reported fiscal debt exposures as of 2006 is \$50.5 trillion (a 147% increase over 2000) that further brakes down taxpayer burden as:

- Per person..... \$170,000
- Per full-time worker... \$400,000
- Per household..... \$440,000

This is a debt burden on current and future generations of Americans for which we will receive zero benefits except for those receiving Social Security and Medicare benefits. The Iraq and Afghanistan wars will add significantly to the U.S. debt in 2007 and beyond.

¹⁴ U.S. Financial Condition and Fiscal Future Briefing, David M. Walker, Controller General of the U.S., American Accounting Association, Chicago, IL, August 7, 2007, GAO-07-1189CG