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INEEL Whistleblowers Harassed

Neil Mock and Scott Lebow, two environmental compliance auditors at INEEL from 1994 to 1995, found early on that the DOE contractor reports sent into the regulatory agencies were fictional fabrications that had no basis in fact. Their findings were greeted with a pink slip. Feeling a moral and ethical commitment to their friends and neighbors in Idaho Falls**,** the two believed the truth must be told about INEEL's violations of environmental laws and alleged lies about radioactive emissions from the site. In 1996 Mock and Lebow filed a "False Claims Act" suit against their previous INEEL contractor employers claiming widespread mismanagement of radioactive and hazardous material at the INEEL. (See INEEL News 2/01 for more information on the suit)

As reported in the Idaho State Journal (ISJ), Scott Lebow notes: "I wish we hadn't had to go through some of the things we did, but I don't regret the decision…. because that was just bad stuff." Neil Mock states in the ISJ article: " It does not take a rocket scientist to figure out you don't dump radioactive or hazardous material on the ground, you don't turn off monitors on stacks, falsify documents, lie or cheat. I [blew the whistle]... for honesty and integrity. It was the honest thing to do. I didn't like the fact they were placing people in danger. I was told [by my boss that] they were going to make my life a living hell. They accomplished that." The two whistleblowers reportedly received over 90 harassing phone calls a day.

But it didn't end there. After the False Claims suit was filed, Mock's home was torched by arsonists, a fact confirmed by the Idaho Falls Fire Department, and his dogs were poisoned three times, confirmed by the family's veterinarian. The personal attacks escalated when Mock's car windshield was shot out one night while he and his wife were driving to Salt lake City for a funeral.

ISJ's interview with Mock notes the harassment "has taken a complete toll on my life, physically, mentally, emotionally and professionally. Professionally, it's destroyed me. No one will touch me as an environmental engineer." The ISJ interview goes on to say Mock and his wife and daughter all became sick because of the stress, and during the time prior to being fired, Lockheed (INEEL prime contractors at the time) cancelled his health insurance.

Neil Mock moved his family to Texas last year and now teaches mathematics at Amarillo College. Scott Lebow still lives in Idaho Falls.

Clint Jensen is another INEEL whistleblower employed at the Specific Materials Capacity (SMC). (Only the U.S. Army could come up with such an innocuous name.) Jensen ran the incinerator that processed the depleted uranium and hazardous waste generated at the super secret tank armor factory. Jensen is ill as result of working at the SMC incinerator and has filed a "false claims" suit against DOE. Attorney Tom Carpenter who heads up the Government Accountability Project (GAP) represents Clint. Carpenter claims that INEEL has stalled the exchange of information that might help doctors better treat his client because the government refuses to recognize that Jensen's recent sickness could have come from his exposure to depleted uranium.

While operating the incinerators, Jensen claims he was often standing in liquid that later tested radioactive. He reports that the incinerators at the SMC were smoking into the work space so badly, supervisors would turn off the smoke alarms so the fire department wouldn't respond. As reported in the ISJ, Carpenter says "Clint is not the only guy out there with these health problems, he is one of the few that stand up and speak out." Jensen notes, "I just want to hold them accountable for what they've done and how they've treated their employees." Jensen believes his sudden headaches, dizziness and blackout spells and weakness come from working too closely and unsafely with depleted uranium at SMC.

There are precious few folks who have the courage, commitment and integrity, to put their own job/career, and ultimately their own family's well being at risk so that the rest of us will know the truth about compromises to our collective health and safety. Clint Jensen, Neil Mock, and Scott Lebow have earned our admiration and heart felt appreciation.

DOE claims to have a "zero tolerance" for whistle blower harassment. The reality is that those folks who come out and tell the real truth about what is happening inside INEEL are being harassed, and site operatives apparently do not recognize the zero tolerance policy.

For more information go to GAP's website at www.whistleblower.org

Plutonium Found in Snake River Aquifer

Decades of Idaho National Engineering and Environmental Laboratory (INEEL) use of the Snake River Aquifer as a cesspool for radioactive and chemical waste disposal has resulted in contamination of this sole water source that sustains over 200,000 Idahoans. INEEL and its contractor Bechtel thumb their noses at regulations prohibiting this illegal activity, and state and federal environmental regulators sit on their collective hands.

A recent internal Department of Energy Headquarters safety report acknowledges that two million gallons per day of hazardous chemical and radioactive wastewater are being dumped into old unlined percolation ponds that are on the Superfund cleanup list. These ponds have been in use for decades even though they contaminate the underlying Snake River sole source aquifer with radioactive plutonium, iodine, strontium, cesium, and tritium, in addition to a vast array of toxic chemicals and heavy metals like mercury. [ROD@5-6]

Despite this, regulators granted INEEL a dumping extension to the year 2004 without any public notice or opportunity for public comment in violation of the Resource Conservation Recovery Act (RCRA) and the Clean Water Act. State and EPA regulators allowed DOE to illegally use the percolation ponds without RCRA permits by recognizing a bogus "interim status" that according to statute expired in 1989.

Three more years of dumping two million gallons per day in the old percolation pond amounts to about 2.19 billion gallons of wastewater that could flush most of the contaminants in the soil column down to the threatened aquifer. Bechtel can then claim they no longer need to clean up the site because the contaminate levels are below regulatory concern. In fact, the ICPP Record of Decision stipulates that the percolation ponds contaminated sediments are not to be exhumed but simply covered over and capped. [ROD@iv] As reported in Energy Daily by George Lobsenz: "INEEL officials had evaluated a closed-loop system for handling service water effluent, but concluded the cost of increased evaporation efforts and other measures was prohibitive - on the order of $830 million." INEEL contractors are paid to pollute, they are paid bonuses when cost cutting measures increases pollution, and finally, they are paid to clean up the

mess they created in the first place. Does anyone want to put odds on how much of the $830 million will end up as a bonus to Bechtel in its upcoming Cost Plus Fee Award? INEEL is building a new unlined percolation pond for use by 2004 to replace the old ones even though that violates a 1993 DOE Headquarters Order [5400.5] prohibiting the use of percolation ponds.

Yet another looming problem with continued use of new percolation ponds is the "recharge" to the existing contaminate plumes under and extending south of the ICPP. The Environmental Defense Institute (EDI) has learned that the "approximate" location of the new percolation ponds is about two miles southwest of the ICPP along the south bank of the Big Lost River. [ROD@11-24] It appears that the new percolation ponds are directly above the existing heavily contaminated aquifer plumes created by both the ICPP and the Test Reactor Area dumping in injection wells and percolation ponds. [ROD@1-9] Recharge to these plumes of contaminated water in the perched water and deep aquifer generates hydraulic pressure that drives the pollution deeper into the aquifer and further south toward the Magic Valley. Even if the new percolation pond is not directly over the highly contaminated perched water zones, the waste discharge will surely migrate laterally within the interbeds to merge with the existing polluted water plumes and thus add to the hydraulic pressure to this highly contaminated water to the aquifer.

Despite what INEEL and state and EPA regulators say, groundwater contamination at any level will eventually end up in the aquifer. No self-respecting hydrologist will say, as EPA and State regulators are publicly claiming, that the contaminated perched water "dries up." Ground water does not "dry-up"**;** it migrates from unsaturated to deeper saturated zones carrying the contamination with it. Regardless of convergence of the polluted water plumes, INEEL must be stopped from adding to an already unconscionable contamination of the Snake River Aquifer. For in-depth information on wastewater contaminates, please see EDI's web site for complete data. http://home.earthlink.net/~edinst/

The Idaho Department of Environmental Quality is soliciting public comments on the new percolation ponds. Mail comments to 900 North Skyline, # B, Idaho Falls, ID 83402.

Another Deranged Dump Plan

DOE's October 1999 Record of Decision lays out plans to construct an on-site mixed hazardous and radioactive waste dump.[(1)] This decision was made within the Superfund (CERCLA) process with the concurrence of the State of Idaho and the U.S. Environmental Protection Agency (EPA). Initially, this was welcome news since the Environmental Defense Institute (EDI) has for years criticized DOE's illegal waste "disposal" practices in dumps that would not even meet municipal garbage landfill regulations let alone radioactive and hazardous chemical waste regulations. After detailed analysis of the Record of Decision, it is clear that DOE plans to repeat the mistakes of the past by locating the new dump (called the INEEL CERCLA Disposal Facility) (ICDF) not only in a flood zone, but also over Idaho's sole source aquifer.

In short, the issue is not the construction of the new dump, but the issue is **where** it is to be built on the INEEL site. EDI's position is that there are credible alternative sites on the INEEL that are not over the aquifer or in a flood zone. Additionally, DOE is violating other environmental laws by claiming that the CERCLA process waves the requirements of the National Environmental Policy Act (NEPA) among other laws. Attorneys conversant with the

regulations say CERCLA only waives the permitting and NEPA requirements in the direct removal and remediation of a contaminated site. CERCLA does **not** in this case waive the RCRA permitting or NEPA requirements on a major $85 million ICDF dump project. Specifically, the equivalent requirements under NEPA would require DOE to evaluate, in an Environmental Impact Statement, the credible alternative locations for the ICDF. This was never done. Yes, DOE evaluated alternatives for on-site versus off-site disposal ... but not alternative on-site locations. Once again, the legal requirements are obfuscated not only by DOE but also by the State of Idaho and the Environmental Protection Agency. Since this appears to be a "done deal" between DOE and the regulators, the public's only recourse is likely litigation. Once again the public's rights have been trampled.

A review of the available US Geological Survey (USGS) reports related to INEEL flooding scenarios and flood control infrastructures shows it is clear that DOE and the regulators ignored this information. Moreover, DOE ignored a USGS recommendation that additional analyses be conducted prior to any final locating decisions.

DOE is constructing the ICDF as a step toward meeting regulatory requirements in the Resource Conservation Recovery Act (RCRA) Subtitle-C hazardous waste disposal criteria. After 25 years of thumbing its nose at RCRA, DOE finally is making a "gesture" toward compliance after five decades of mismanagement of its waste streams that continue to cause massive environmental contamination. Estimated cleanup costs of this INEEL debacle are in the range of $19 billion which will come out of our pockets as taxpayers. DOES's decision to finally comply with RCRA is marred by the wrongheaded choice of **location**, when other on-site locations would not pose the same risks to an aquifer already severely contaminated from INEEL waste.

DOE is constructing the ICDF immediately south of the Idaho Chemical Processing Plant (ICPP), also now called INTEC (mainly for economic reasons). It is close to the ICPP where much of the waste will be generated and it is near/over existing wastewater percolation ponds which are on the Superfund cleanup list, and it is over extensive soil contamination caused from ICPP stack releases.

The US Geological Survey released a 1998 report that modeled the **median** 100-year flow rates in the Big Lost River as opposed to the maximum rate of 11,600 cf/s of just a 100-year flood, and not including any additional cascading events like the failure of Mackay Dam. The USGS flood map shows the northern half of the ICPP under water. The ICPP as a whole is about as flat as a tabletop with only a couple feet change in elevation north to south.[(3)] The crucial point here is that even the slightest variation in a Big Lost River flood would put the ICDF underwater, assuming the dump was on the surface. Proportionally less variation in floods would inundate the dump the deeper the ICDF is buried below the surrounding terrain. INEEL has experienced significant flooding events (localized and site-wide) in 1962, 1965, 1969, 1982, and 1984. In an effort to mitigate the flooding problem, DOE built a diversion dam on the Big Lost River that is designed to shunt floodwaters to the south and away from INEEL facilities.

On the basis of a structural analysis of the INEEL diversion dam (U.S. Army Corps of Engineers) assumed the dam **incapable** of retaining high flows. The Corps indicated that the diversion dam could fail if flows were to exceed 6,000 cubic feet per second."[(6)] This USGS study acknowledged that the northern half of the ICPP would be flooded with four feet of moving water, even at this midrange (mean) flow rate. If ICDF excavation goes two feet **below** present surfaces, it will be below the elevation of the mean 100-year flood zone. Plans are to excavate ICDF pits most of the entire 50 feet to bedrock.

Cascading events also are not considered. This is known as a worst-case scenario where one event triggers another event. For instance a 500-Year flood plus failure of Mackay Dam (built in 1917) resulting in estimated flows of 9,700 + 54,000 cubic feet per second respectively would be an example of a cascading event. Failure of Mackey Dam is non-speculative in view of the 1976 failure of the Teton Dam of similar construction and the fact that Mackey Dam lies within 11 miles of a major earthquake fault line that produced the 1983 Borah Peak 7.3 magnitude quake. An internal 1986 DOE report that analyzed the impact of Mackey Dam failure scenarios notes that, "Mackay Dam was not built to confirm to seismic or hydrologic design criteria," and "the dam has experienced significant under seepage since its construction." [(9)] This EG&G study acknowledged that the ICPP, Navel Reactors Facility, and the Test Area North (LOFT) facilities would be flooded with at least four feet of water moving at three feet per second.

USGS did not consider cascading events but noted previous studies showing that failure of Mackay Dam alone would result in 6 feet of water at the INEEL Radioactive Waste Management Complex (RWMC) waste burial grounds. Other studies recognized by USGS note that, "Rathburn (1989, 1991) estimated that the depth of water at the RWMC, resulting from a paleo-flood [early] of 2 to 4 million cf/s in the Big Lost River in Box Canyon and overflow areas, was 50-60 feet." "If Mackey Dam failed, Niccum estimated that peak flow at the ICPP would be at 30,000 cfs." [(10)] Comparing these flow rates with the USGS estimate 100-year mean flow of 6,220 cfs that would flood the north end of the ICPP with four feet of water, and a Mackey Dam failure becomes a real disaster potential with respect to the existing underground waste tanks and underground spent reactor fuel storage at the ICPP.

DOE is relying extensively on the Big Lost River Diversion Dam (located at the western INEEL boundary) to shunt major floodwaters away from INEEL facilities. The last comprehensive analysis of this diversion dike system (below the diversion dam) was conducted by USGS in 1986 in a report titled Capacity of the Diversion Channel below the Flood Control Dam on the Big Lost River at the INEL. The U.S. Army Corps of Engineers indicated in 1997 that the diversion dam could fail if flows were to exceed 6,000 cf/s. Failure of the diversion dam and/or the diversion channel dikes would also directly impact the Radioactive Waste Management Complex (RWMC) waste burial grounds.

The Psychotic Attempt to Bring Back Atomic Energy

By Harvey Wasserman

The California deregulatory meltdown will likely cost its ratepayers some $60 billion, for which they will get virtually nothing in return. The 1996 law that threw the state into chaos was written by the utilities now claiming bankruptcy. It has allowed them to launder more than $20 billion to their parent companies, with no accountability.

The economic and ecological shock waves of this tragedy will reverberate for decades. But for pure psychotic fantasy, none can exceed its use as a pretext to build more nuclear power plants.

For weeks now the corporate media has filled with "too cheap to meter" bombast. Pompous talk show blowhards have spun reactors as an "overlooked" oasis of energy. But let's look at some practical realities.

To begin with, the crisis in California was actually CAUSED by atomic power. The deregulatory impulse first came from big industrial users and gas companies who meant to undercut the state's utilities, which couldn't compete because of their huge reactor investments and decommissioning costs.

The utilities countered by whining to a bought state legislature that their reactors required a bail out. So deregulation came with $28.5 billion in "stranded costs" tagged on for those bum nukes. Thus far more than $20 billion has been taken from ratepayers and bagged off to parent corporations.

Strangely, much of the nuclear hype has been on a new technology called "Pebble Bed Reactors." The rhetoric is familiar: inherently safe, too cheap to meter, no environmental impact. But no such operating reactors exist today. There was one pebble bed prototype in Germany. It's now shutdown. Another may be built in South Africa, but that will take five years. The much-vaunted "breeder" technology, meant to produce more fuel than it used, is a certified failure, with dead reactors in France, Germany and Japan standing as mute (but radioactive) testimony.

But with utility deregulation has come the abandonment of nuclear safety standards. The Nuclear Regulatory Commission exists only as a rubber stamp for license extensions on decaying nukes that cry out for retirement. With official approval, staff and maintenance are being slashed. Today's reactor industry is a runaway train, flying down a steep incline with no brakes, setting speed records along the way, but headed for a predictable end. Yet even without factoring in unknown future costs for radioactive waste management, health impacts and the inevitable meltdowns, increased efficiency and conservation are cheaper. So is wind power. A combination of these renewables and efficiencies would allow communities and individual homes and businesses to control their own power supply, independent of the oil, gas and utility companies; which is the real reason for this nuclear diversion, just as it was fifty years ago.

Harvey Wasserman is author of "The Last Energy War: The Battle over Utility Deregulation"; he is senior advisor to Greenpeace USA and the Nuclear Information & Resource Service. For the complete story contact Pete.Roche@uk.greenpeace.org

Craig Backs Nuc Power Production

Idaho's U.S. Senator Larry Craig is co-sponsoring a Congressional appropriations bill that will boost nuclear energy production in the United States. The $406 million bill would increase nuclear research programs at INEEL including designing the next generation of nuclear reactors. Scholorship and research grants would go to universities that teach nuclear engineering.

The "Pebble Bed Reactor" design is high on Craig's list of design projects he supports. Craig claims that there is a very good possibility that within the year, we'll be hearing a major announcement of intentions to go and build some new nuclear power plants. Institutional memory appears to have repressed the Fort St. Vrain nuclear power reactor debacle in Colorado that was of a similar design. The reactor was both a power and economic disaster and was shortly permanently shut down.

Recently, the Bush Administration and the Republican majority in Congress announced their budget plans for the next fiscal year. Their budget contains major cuts in DOE's cleanup funding. The cuts are so huge that the State of Washington is filing a lawsuit because the cuts will effect Hanford cleanup. Craig is not concerned even though INEEL cleanup funding is also

cut by some $50 million. These cleanup funding cuts could eliminate about 370 jobs at INEEL.

The Republicans also radically cut the budget for renewable energy projects and research such as wind, solar, and geothermal. The funding cuts are so deep that the renewable programs will be virtually wiped out.

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