



Nuclear Reactor

Santa Fe, NM
Winter 1998-99

ACTIVISTS WIN MAJOR NUCLEAR WEAPONS “CLEANUP” VICTORY AGAINST DOE

To avoid being held in contempt of court in litigation brought by CCNS and 38 other environmental and peace organizations, the U.S. Department of Energy (DOE) has signed a landmark agreement which will increase public oversight of its efforts to address severe contamination problems in the nation's nuclear weapons complex.

This is a major victory both for the environment and for public participation

The settlement, which was delivered to Federal District Court Judge Stanley Sporkin December 14, 1998 ends nine years of litigation charging that DOE failed to develop its “cleanup” plans properly. Earlier this year, in

efforts spearheaded by CCNS, Judge Sporkin ordered DOE to “show cause” why it should not be held in contempt of court for violating a previous court-approved settlement requiring it to conduct an Environmental Restoration Programmatic Environmental Impact Statement. “This settlement provides citizens groups with data and funds so they can monitor and hopefully influence clean up efforts,” stated Jay Coghlan, CCNS LANL Program Director.

KEY ELEMENTS OF THE SETTLEMENT INCLUDE:

- Creation of a regularly updated, publicly accessible database including details about wastes at DOE sites, listing characteristics such as waste type, volume, and radioactivity, as well as transfer and disposition plans

CONTINUED ON PAGE 4

CCNS CLEAN AIR LAWSUIT BACK IN COURT

BY JAY COGHLAN

The first-ever civilian technical audit of a U.S. nuclear weapons facility is stalled because DOE has refused to provide the necessary funding to finish an independent examination of the radioactive air emissions monitoring



John Till, president of RAC, presents audit findings on May 15, 1998 at a press conference in Santa Fe. Seated to the right of Till is part of his audit team, and CCNS representatives.

program at LANL. The audit is a requirement of the consent decree that settled a lawsuit brought by CCNS against DOE for the lab's five-year-long violations of the Clean Air Act. CCNS filed a motion in the District Court of New Mexico requesting that the court order DOE to provide the additional funding requested by the independent auditor. The lab caused higher costs for this unprecedented audit, but DOE nevertheless refuses to provide the necessary money to finish the job. Ironically, when LANL wants a project, cost overruns are all too common.

CONTINUED ON PAGE 4

INSIDE THIS ISSUE

IF EVERYTHING'S OK THEN WHY HASN'T WIPP OPENED?	P.3
CCNS ON THE DE-ALERTING OF NUCLEAR WEAPONS	P.5
THE U.S. LEGACY OF RADIOACTIVE CONTAMINATION	P.6
NUCLEAR LAUNDRY SUES CITY OF SF FOR THE 2ND TIME	P.8

EXECUTIVE DIRECTOR'S NOTES



Lee Lysne,
Executive Director

A DECADE OF COMMITMENT

This fall marks CCNS's 10th anniversary. In the volatile and often underfunded world of small nonprofit organizations, surviving (and thriving) this long is definitely cause for celebration. Over the last decade a lot of things have changed. Since 1988 we've seen

the fall of the Berlin Wall and the passage of the Comprehensive Test Ban Treaty. Improved diplomatic relations with the former Soviet Union have also lessened the threat of global nuclear warfare. These are all positive developments worth acknowledging.

Unfortunately, some things haven't changed. Despite the end of the Cold War, American taxpayers are spending more than ever on core nuclear weapons programs. Over the next decade, the Department of Energy (DOE) has budgeted 4.5 billion dollars a year for nuclear weapons research and development under the Stockpile Stewardship and Management Program. Billions more are slated for future weapons facilities. The potentially damaging environmental impacts of these programs have still not been adequately analyzed or addressed. (See LANL SWEIS page 10.) Ironically, while nuclear weapons spending is up 42% at Los Alamos National Laboratory (LANL) since 1989, in recent years nuclear waste cleanup programs at the lab have been cut nearly in half. Meanwhile, DOE sites across the country continue to generate new waste without safe and economically viable options for its disposal. Although many government officials continue to promote the Waste Isolation Pilot Plant (WIPP) as the solution to this nation's defense-generated nuclear waste, there are still serious concerns about both transportation issues and the safety of the site itself. (See WIPP litigation and Mark the Route Day pages 3 & 9.)

This issue of *The Reactor* also updates two important legal battles that are back in the courts again. Two years ago the City of Santa Fe closed the "nuclear laundry" operated by Interstate Nuclear Services (INS) amid allegations that INS had illegally released sludge containing radioactive contamination and had failed to disclose important test results revealing discharge violations. Today INS is suing the City, seeking to overturn a new municipal wastewater discharge ordinance which regulates the release of radionuclides into the City sewer and wastewater treatment plant. The INS lawsuit claims that the City has no right to regulate the discharges and that

the ordinance was intended to put INS out of business. (See nuclear laundry page 8.) CCNS and LANL are also back in court. This fall the lab refused to provide the necessary additional funding to complete the court-ordered audit of the lab's radioactive air emissions monitoring program, part of CCNS' successful Clean Air Act settlement which forced LANL to clean up its radioactive air contamination. (See cover story.) To quote baseball great Yogi Berra, when it comes to fighting for lasting justice in the courts, it seems like "déjà vu all over again."

As we approach the dawn of a new century and prepare for yet another holiday season, there is still much to be grateful for. On behalf of all of us at CCNS, I would like to thank everyone who has supported our work over the years. As a local grassroots organization, CCNS receives no state or federal funds; we rely on you. There are no quick fix, band-aid solutions for the environmental, health and public safety issues created by the production of nuclear weapons and waste. Making a difference means making a long-term commitment to protecting our earth, ourselves and future generations. In this season of giving, please consider making an investment in the future. Send a check, volunteer your time or join CCNS as a member. With your help we look forward to the next 10 years. 

Working together we have made a difference.

Have the happiest of holiday seasons...



concerned citizens for nuclear safety
107 Cienega Street Santa Fe NM 87501
www.nuclearactive.org e mail: ccns@nets.com
Phone 505.986.1973 Fax 505.986.0997

The Nuclear Reactor is published by CCNS, a non-profit organization dedicated to increasing public awareness and citizen involvement in nuclear safety issues.

Reprinting from *The Nuclear Reactor* is permitted.

STAFF

Lee Lysne, *EXECUTIVE DIRECTOR*
Jay Coghlan, *LANL PROGRAM DIRECTOR*
Joni Arends, *WASTE PROGRAMS DIRECTOR*
Suzanne Westerly, *COMMUNITY COORDINATOR*
DeeDee Clendenning, *ADMINISTRATIVE ASSISTANT*
Colin King and Robert Booher,
ST. JOHN'S COLLEGE WORK STUDY INTERNS

Sasha Pyle and Mariannah, NEW CCNS LOGO DESIGN
Newsletter Design and Layout by
HANSEN WOLF DESIGN & CONSULTING

IF EVERYTHING'S OK THEN WHY HASN'T WIPP OPENED?

The short answer is that despite approval from the Environmental Protection Agency (EPA) that the Waste Isolation Pilot Plant (WIPP) will meet long-term safety standards, questions persist about whether WIPP really is safe. For example, the Department of Energy (DOE) refused to model scenarios that show that nuclear waste will escape from WIPP within the 10,000 year regulatory period. EPA allowed DOE to ignore these possibilities. In addition to unanswered safety questions, WIPP has not opened because DOE still does not have a hazardous waste permit from the New Mexico Environment Department (NMED). NMED is the only independent regulator of DOE's day to day operations at WIPP. The state permit regulates ongoing construction, worker safety, and the rigor of DOE's procedures which will determine whether wastes are safe for WIPP's restrictions. Moreover, if a serious accident occurs the state permit would regulate cleanup and other corrective actions.

NMED has said it will not be ready to issue a permit until mid-1999. After years of assuring New Mexicans that DOE would never open WIPP without a state permit, now DOE claims WIPP can open without state regulation. Many people feel this problem stems from DOE's self-imposed and unrealistic WIPP opening date projections. When these deadlines come and go without waste shipments as they did in May and July



CCNS' billboard on Hwy. 285, near Eldorado

of this year, congressional members and DOE officials from Idaho and Rocky Flats complain about delays from environmentalists or from NMED itself. But many experts familiar with this issue believe that the fault lies with DOE's ineptitude at characterizing waste and its false claims of readiness.

Two lawsuits have been filed by New Mexico Attorney General Tom Udall, CCNS and other environmental groups to prevent DOE and EPA from bypassing the legal and scientific requirements necessary to assure WIPP's safety. One lawsuit challenges EPA's approval of DOE's plans to continue on its path to open WIPP without investigating scenarios that show WIPP cannot contain nuclear waste for 10,000 years. The lawsuit would make EPA require that DOE model these very real possibilities. The timetable for this lawsuit calls for submission of arguments to the District of Columbia Court of

Appeals by the end of February 1999. After that, the Court of Appeals will hear oral arguments. Even if the Court rules in favor of more scientific analyses, WIPP could still open while DOE completes the analyses. The Court of Appeals would have to additionally impose an injunction delaying opening until after the analyses.

The other lawsuit filed by the same plaintiffs is against DOE. This lawsuit amends an existing lawsuit that was filed in 1991 in the District of Columbia Federal District Court and challenges, among other things, DOE's ability to open WIPP without a hazardous waste permit from NMED. An existing injunction from the 1991 partial ruling is being contested by DOE. The timetable on this lawsuit is uncertain because, after asking the District Court to expedite its request to consider the lawsuit issues, DOE then asked the Court to delay ruling indefinitely. The delay essentially leaves the injunction in place and prevents DOE from shipping waste until DOE goes back to court to ask the Judge to proceed.

So, why isn't WIPP open yet? The answer is that DOE has not yet satisfied federal and state law and that DOE's scientific justification for WIPP is so problematic that the EPA certification process is under judicial review.



MARGRET CARDE
CCNS BOARD MEMBER

NEW VIDEO ON WIPP

The Center for Defense Information, a Washington, D.C.-based organization whose primary interest is reducing national defense spending, is producing a video on WIPP through its affiliate, America's Defense Monitor (ADM). The 1/2 hour program, to be broadcast nationally on selected PBS stations, focuses on WIPP, the United State's supposed solution for disposal of defense nuclear waste. The program is part of ADM's weekly video series and is available to PBS affiliates via satellite feed or as a broadcast quality video tape. CCNS encourages you to call your local PBS station and ask them to air this important program. For more information, contact Moon Callison at the Center for Defense Information: 202-332-0600 Ext. 119.



GROUPS WIN MAJOR NUCLEAR WEAPONS "CLEANUP" CONTINUED FROM COVER

- DOE funding for at least three national stakeholder forums to assure the database is comprehensive, accurate and useful;
- Completion of an environmental analysis, with public input, of plans for "long-term stewardship" at contaminated DOE sites to ensure protection of the public and the environment;
- Establishment of a \$6.25 million fund for non-profit groups and tribes to use in monitoring DOE environmental activities and conducting technical reviews of the agency's performance;
- Payment of plaintiffs' legal fees and expenses incurred to litigate the case; and
- Continuing federal court oversight to assure adherence to the agreement.

"This is a major victory both for the environment and for public participation," said Coghlan. "We have won access to the tools the public needs to monitor DOE's compliance with the nation's obligation to address the radioactive and toxic legacy of nuclear weapons production."

DOE's "cleanup" program is slated to become the largest environmental project in U.S. history, with an estimated total cost of more than \$250 billion.

"With access to program-by-program data on DOE-generated waste, we'll also be able to demonstrate the link between ongoing U.S. nuclear weapons research and production activities and the dangers of contamination," added Coghlan. "The cause and effect relationship will be clear: more nuclear weapons production means more nuclear waste."

Many of the groups first sued DOE in 1989, claiming that the agency must conduct a thorough analyses before moving ahead with plans to address the radioactive and toxic legacy of nuclear weapons production and to modernize its facilities. The next year, DOE signed a legal agreement promising a full public review of its proposals. In 1994, however, DOE leaders decided to abandon the Environmental Restoration Programmatic Environmental Impact Statement process without consent of the plaintiffs or Judge Sporkin, who had approved the initial settlement. In April, 1997, plaintiffs went back to Judge Sporkin seeking enforcement of the original agreement.

In a series of court hearings, Judge Sporkin made it clear that he expected DOE to abide by its commitments. In depositions taken by the plaintiffs, former Energy Secretary James Watkins and other former senior DOE officials strongly backed plaintiffs' claims.



CCNS CLEAN AIR LAWSUIT BACK IN COURT CONTINUED FROM COVER

In this instance, the independent auditor has already found the lab to be in violation of the Clean Air Act for 1996 (in contrast to LANL's explicit claims to the contrary), which may explain DOE's desire to prevent further audit work. The Risk Assessments Corporation (RAC), led by Dr. John Till, is conducting the audit. The Institute for Energy and Environmental Research is monitoring the audit for completeness and independence. Both organizations have international reputations.

CCNS' motion argues that unforeseen circumstances, in large part of the lab's own making, will soon force the RAC audit team to exceed the consent decree's budget of \$300,000 for the first audit. LANL-created factors include the lack of adequate documentation of radioactive materials inventories (despite clear statutory requirements), excessive security procedures and added costs incurred by RAC in the preparation of a draft report. The report found the lab to be in violation of the Clean Air Act for 1996, which the audit team felt compelled to publish quickly so that the lab could correct deficiencies as soon as possible. RAC had no role in estimating audit costs for the consent decree, and

is concerned that, without additional funding, three already scheduled audits through the year 2003 will be jeopardized.

CCNS is also claiming that LANL has violated consent decree requirements concerning the popular Neighborhood Environmental Watch Network (NEWNET) Program. NEWNET gives the public near-real-time online information on gamma radiation from lab operations. The use of "environmental teller machines" in public places (giving computer-less access to NEWNET information) and the development of school curricula were integral components of the program at the time that the consent decree was negotiated. The lab dropped these two program elements, without court permission or CCNS agreement. Finally, CCNS has requested that should the court choose not to order the additional funding needed to complete the audit, that the consent decree be terminated. This would allow CCNS to seek sanctions of up to \$25,000 per source per day for LANL's admitted non-compliance with the Clean Air Act from 1990 to 1996. No hearing date has yet been set by the court.



CCNS POSITION ON THE DE-ALERTING OF NUCLEAR WEAPONS

The following conditions encourage and make necessary the prompt wide-scale de-alerting of nuclear weapons:

- Thousands of nuclear weapons remain on high alert despite the end of the Cold War. Various de-alerting methods, ranging from removal of warheads from their delivery systems to eventual remote weapons storage under international monitoring and verification, can be used to help eradicate the nuclear threat. The deteriorating socioeconomic situation in Russia and potential instabilities in the control of nuclear weapons have increased the risk of nuclear war by accident, miscalculation or unauthorized use. At the same time, serious economic constraints will inevitably force Russia to drastically reduce its arsenal. In response, the U.S. should begin de-alerting large portions of its own arsenal;
- The U.S. is now the world's sole conventional weapons superpower, a position that can only be seriously challenged by the nuclear weapons of other countries. The size of the U.S. nuclear arsenal is not relevant to deterring possible threshold states or terrorist use of weapons of mass destruction. Because the wide-scale de-alerting of the U.S. nuclear weapons arsenal would likely encourage reciprocal measures by other nuclear weapons states, U.S. national security would ultimately be enhanced;
- The U.S. precedent for wide-scale de-alerting has already been established. In 1991, during the disintegration of the Soviet Union, President Bush ordered the immediate stand-down and unloading of many strategic bombers and the withdrawal of the bulk of U.S. tactical nuclear weapons from Europe. Russian President Gorbachev quickly responded with similar measures to these two unilateral American de-alerting initiatives;
- The potential effects of Year 2000 computer problems on military radar and nuclear weapons command and control systems are not publicly known. However, should any problems arise, they can only serve to increase the risk of accidental nuclear war. Possible Year 2000 computer problems are a compelling reason for the prompt wide-scale de-alerting of nuclear weapons;
- The increased proliferation of nuclear weapons has been most concretely demonstrated by recent Indian and Pakistani nuclear weapons tests. Those tests were in large part driven by the refusal of the then existing nuclear powers' to enter into the serious global nuclear disarmament negotiations mandated by the 1970 NonProliferation Treaty (NPT). Wide-scale de-alerting by the earlier weapons states could play a decisive role in persuading India and Pakistan to never deploy their own arsenals;

- The stated justification for the continued preservation of the weapons states' nuclear stockpiles is for deterrence, in contrast to first strike use. The wide-scale de-alerting of nuclear weapons can greatly help eliminate the possibility of first strike use and/or nuclear war by accident, miscalculation or unauthorized use, but still provide for interim deterrence capability while disarmament negotiating steps are undertaken pursuant to the NPT; and
- Progressively more stringent de-alerting steps can serve as confidence building measures towards the NPT's goal of eventual nuclear disarmament. More than 100 former military commanders and high-ranking governmental officials from all five previously-declared nuclear powers have called for deep cuts in all nuclear weapons arsenals, which would lower the threat to global security and bring billions in direct annual savings. Deep de-alerting can offer further economic and environmental benefits by helping to reduce the need for future nuclear weapons activities such as plutonium pit and tritium production and disposal facilities for future military radioactive wastes such as the Waste Isolation Pilot Plant.

THEREFORE, CONCERNED CITIZENS FOR NUCLEAR SAFETY ADOPTS THE FOLLOWING POSITION:

- All nuclear weapons states should begin the de-alerting of nuclear weapons immediately and complete at least one de-alerting measure on all nuclear weapons as soon as technically feasible. The objective is to dramatically reduce the global risk of nuclear war by accident, miscalculation or unauthorized use, and to strongly discourage the proliferation of nuclear weapons through strong international leadership by example;
- Multi-lateral criteria for de-alerting nuclear weapons should be developed and adopted as a basis for building towards increasingly deeper de-alerting steps. All nuclear weapons states must begin to plan for adequate storage, monitoring, security and verification measures that would ultimately allow for the separation of nuclear weapons from their delivery systems in a difficult-to-reverse manner that allows time for the diplomatic defusing of any nuclear crisis; and
- To help initiate and facilitate wide-scale de-alerting of their arsenals by all nuclear weapons states, the U.S. should, if necessary, unilaterally begin the process of de-alerting its own nuclear weapons, thereby promoting greater American national security and global security in general. 

NOVEMBER 1998

THE U.S. LEGACY OF RADIOACTIVE CONTAMINATION

BY SUZANNE WESTERLY



Corbin Harney, Native American Activist

URANIUM MINING ON TRIBAL LANDS

Over half a century ago, uranium was discovered on the lands of Laguna Pueblo and the Navajo Nation. On a visit to the Village of Paguete on the Laguna Pueblo, I heard a friend tell the story of when uranium was found near his village. Paguete sits on a mesa overlooking the devastated remains of one of the world's largest uranium mines. We sat on the edge of the mesa as he told me of his memories of the days when the valley below was beautiful and green, full of life, with a river running through it. Before the mining of uranium began, the valley was filled with fruit trees, vegetables, wheat, and grazing animals; all the people needed for survival. It was a wonderful place to live. When the uranium mining corporation went to the people to ask permission to mine, the complete story of what uranium mining would do to their lands and their health was not revealed. At that time, a Tribal Elder warned the people that if uranium were brought to the surface, it would bring great harm, that it must be left alone. The Elder's

"The Mother Earth provides us with food, provides us with air, provides us with water. We, the people, are going to have to put our thoughts together, our power together, to save our planet here. We've only got one water, one air, one Mother Earth."
Corbin Harney, Western Shoshone Spiritual Leader

words were not heeded. When the first digging began on Laguna lands, the bulldozer unearthed thousands of rattlesnakes, believed by many to be a warning. This warning too was ignored. In the years that followed, the once peaceful village was to endure around-the-clock explosions that shook the homes and spirits of the people while covering everything in contaminated uranium dust. The mining of uranium was the beginning of the negative radioactive impact that would eventually be felt by all life on Earth.

THE NEVADA TEST SITE

To many anti-nuclear activists, the Nevada Test Site (NTS) is the epicenter of the U.S. nuclear legacy. The Test Site is situated on "taken" lands of the Western Shoshone Nation. Many activists are working to change what they feel is a misguided U.S. policy. Because of the government's policy, tons of lethal and long-lasting radioactive waste have been generated with no solution for what to do with it.

The Western Shoshone Nation is the most bombed nation in the world. At the NTS, nuclear weapons explosions, first above-ground nuclear tests, then underground, and now "subcritical" nuclear tests, continue to contaminate life on Western Shoshone lands. In addition,

at least three truckloads a day of so-called "low-level" nuclear waste from nuclear weapons facilities around the country are being dumped at NTS. Leaking nuclear waste trucks have been observed on the roads. Highly radioactive nuclear power plant waste called "spent" fuel rods poses a further threat to the Western Shoshone Nation. Congress wants these gamma-radiation-emitting rods from nuclear power plants all over the country, mostly from the eastern U.S., transported to the NTS for "interim" storage. Many Congressional representatives are presently pushing a bill, tagged by environmentalists as the "Mobile Chernobyl bill," which proposes shipping these rods to a parking lot at the NTS. This dangerous plan continues to be fought by Nevada State officials and environmental activists

continued on page 7



Peace activists at the Nevada Test Site (NTS).



I'D WALK A MILE FOR A CAMEL

In one of the stranger proposed uses for a former nuclear weapons test site, China and the United Nations are preparing to sign an agreement that would convert China's Lop Nur nuclear test site into a sanctuary for the rare Bactrian Camel. The test site is located in a desolate area north of Tibet. The reserve is the size of Germany and would protect 400 wild camels who have already survived more than 40 above ground nuclear explosions. Nuclear testing at Lop Nur ended in 1996 when China declared it would abide by the terms of the Comprehensive Test Ban Treaty.

U.S. LEGACY OF RADIOACTIVE CONTAMINATION CONTINUED FROM PAGE 6

around the nation. It is difficult to understand how some scientists and politicians can actually call nuclear energy clean when some of the waste remains extremely harmful to life for 240,000 years.

Many people erroneously believe the U.S. is no longer creating nuclear weapons

LOS ALAMOS NATIONAL LABORATORY
Built in secrecy in the 1940's, Los Alamos National Laboratory (LANL), the world's premier nuclear weapons laboratory, is the birthplace of nuclear weapons of mass destruction. Among other projects, the lab now manufactures "subcritical" nuclear devices that are tested at the Nevada Test Site (NTS). A "subcritical" test involves plutonium assemblies set off by high explosives, but stopping short of a sustained nuclear chain reaction. The international Comprehensive Test Ban Treaty (CTBT) bans "any nuclear weapon test explosion or any other nuclear explosion." Peace activists worldwide feel the U.S. tests violate the spirit and intent of the test ban, asking the U.S. government instead to take the lead in ending nuclear weapons production.

Because of the CTBT, many people erroneously believe the U.S. is no longer creating nuclear weapons. Not only is the U.S. manufacturing "subcritical" nuclear devices, LANL has also begun manufacturing of plutonium pits, which are the triggers for nuclear weapons. Plutonium pit production work was formerly done at the Rocky Flats Plant near Denver, Colorado. Rocky Flats weapons work so contaminated the land and water around the site that the plant was shut down after an FBI raid in 1989. Unfortunately, plutonium pit production has now been transferred to LANL. (See LANL SWEIS page 10.) Many questions have been raised concerning the continued releases of airborne contaminants, as well as the daily dumping of liquid radioactive and chemical waste into Mortandad Canyon. These are real issues, considering the extensive contamination at the Rocky Flats Facility, and the known migration of contaminants from the lab to the Rio Grande.

WORKING FOR PEACE IN THE NEW MILLENNIUM

Much of LANL and the NTS are on Tribal lands that were "taken" by the U.S. government. For the last five decades, life in the areas surrounding these sites has been tainted with radioactive and other hazardous contaminants.



The road to NTS.

Because of the strong connections between LANL and the NTS, many individuals and organizations across the nation are working on

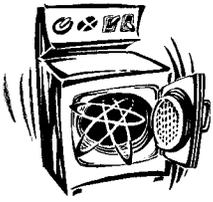
two large Gatherings to bring awareness about the nuclear weapons and waste dilemma to the people of this country, and to work for peace in the new millennium. "Honoring the Mother, Healing Global Wounds Spring Gathering," will be held on Western Shoshone Nation lands on the weekend of May 9th, Mother's Day. The Summer Gathering called "The Los Alamos Peace Project" will be held in northern New Mexico during the second week of August. This event coincides with the commemoration of the use of the atomic bombs on Hiroshima and Nagasaki in August of 1945. We hope you will join us as we work for peace and a safer environment for our future generations.



SUZANNE WESTERLY
CCNS COMMUNITY COORDINATOR
For more information, contact Suzanne Westerly at ccns@nets.com or the Shundahai Network at shundahai@shundahai.org

LEGAL UPDATES

NUCLEAR LAUNDRY SUES CITY OF SANTA FE FOR SECOND TIME



Interstate Nuclear Services (INS), the "Nuclear Laundry", filed suit against the City of Santa Fe on October 6th, seeking to overturn the City's new wastewater discharge ordinance which regulates the discharge of radionuclides to the City sewer and wastewater treatment plant. Treated effluent waters from the City's treatment plant are ultimately discharged to the Santa Fe River, but the treatment does not remove the radioactive contamination. The City's newly adopted Treated Effluent Management Plan calls for the City to make extensive use of the treated effluent in an effort to save over \$27 million dollars in water rights purchases over the next twenty years. As Patricio Guerrerortiz, Public Utilities Director for the City of Santa Fe, explained, "The Treated Effluent Management Plan, which was adopted by the City earlier this year, includes the option to discharge the treated effluent into the Rio Grande in exchange for the right to draw San Juan-Chama drinking water... I believe that public perception of radioactive contamination of this effluent may affect our ability to make our reuse plans work. That's one major reason why we have the limitations set forth in the wastewater discharge ordinance. This treated effluent use plan is essential to the City's ability to meet the water supply needs of our citizens in the future."

INS could recycle its water as is done elsewhere and wouldn't have to discharge anything. But they insist on using up our limited water to dilute their pollution...

The plan also calls for the City to negotiate with major water users who use drinking water for irrigation to instead use treated effluent for irrigation, thus saving significant amounts of drinking water. There are plans to recharge the treated effluent to the Santa Fe River.

The "Nuclear Laundry," which for thirty years has washed nuclear contaminated uniforms from Los Alamos National Laboratory and Rocky Flats at its plant on Siler

Road in the heart of Santa Fe, claims the ordinance puts it out of business because the requirements are too difficult to meet. The INS philosophy "dilution is the solution to pollution" results in its method of treating radioactive discharges; simply increasing the amount of water it uses and discharges so the concentrations of radionuclides would meet State standards. The City ordinance is more rigorous. "The State standards are already too easy to meet, and using up precious water to get there is incredibly wasteful," says Leroy Romero, former INS manager and now a whistleblower and CCNS board member.

INS has not operated in Santa Fe since May 1996, when the City of Santa Fe closed it down amid allegations of illegal sludge releases containing radioactive contamination and failure to disclose tests revealing violations of City discharge requirements. Former "Nuclear Laundry" employees, including Romero, testified at a public hearing about INS orders to violate the laws regulating radioactive discharges, including illegal dumping of sludge into the sewer. The State nonetheless renewed the INS license. However unless INS can comply with the City ordinance, it still cannot discharge to the City sewer.

"INS could recycle its water as is done elsewhere and wouldn't have to discharge anything. But they insist on using up our limited water to dilute their pollution, and then dumping it into the sewer, then to the river, then to Cochiti Lake," states Romero. The "Nuclear Laundry" could also go back to Los Alamos National Laboratory, where it started out.

The INS lawsuit claims the City has no right to regulate the discharges at all, and that the ordinance was intended to put it out of business. It also attacks CCNS as having been the spearhead for the ordinance and the efforts to shut down INS. In addition to its attack on the ordinance, INS seeks money damages from the City.

"Our role is to educate the public and our City officials about violations of the laws protecting citizens from radioactive contamination, and that's what we did and will continue to do," states Lee Lysne, Executive Director of CCNS. "Leroy Romero came to CCNS to get help stopping the illegalities he perceived at INS. It's too bad the State didn't listen to him, but we are grateful the City Council understands the issue and enacted the ordinance and is actively defending it. It seems that INS's real goal is to intimidate the City into settling and throwing out the ordinance. We are proud that the City Council won't cave in to this kind of threat." 

MARKING THE NUCLEAR TRANSPORTATION ROUTE



Anti-nuclear protesters at 285/84 and Camino La Tierra on August 8, 1998 at the Mark the Route Day demonstration.

Activists along the proposed Waste Isolation Pilot Plant (WIPP) route in New Mexico, Colorado, Wyoming and Nevada have been “Marking the Route” every second Saturday of the month from noon to 2 p.m. since July. In Santa Fe citizens gathered at three different locations to mark the route: at the light on Hwy. 285 in Eldorado, at the Camel Rock Visitor Area Parking lot going south on Hwy. 285, and at Camino La Tierra and Hwy. 285.

The Department of Energy (DOE) plans to ship 38,000 truckloads of nuclear waste over a 35 year period to the

WIPP site from all over the country. The nuclear waste is contaminated with transuranic particles (radioactive particles heavier than uranium, primarily plutonium and americium) and hazardous materials, such as benzene, vinyl chloride, mercury, cyanide and lead.

“Mark the Route” demonstrators have been encouraged by the overwhelmingly positive responses received from motorists during the first three demonstrations. “I’m encouraged by the many supportive honks we’re getting from truckers. They’re on the road all the time and they know what the hazards are,” said Gail Snyder, Director of the Pikes Peak Commission for Peace and Justice, Colorado Springs, Colorado.

Public interest organizations from around the country are advocating that instead of pushing ahead with WIPP, nuclear waste should be stored as close to the point of generation as possible in state-of-the-art, monitored and retrievable storage facilities. They are also calling for a re-examination of federal nuclear waste policy.

“I believe we have a global responsibility to oppose a nuclear world, especially in light of the recent underground nuclear tests by India and Pakistan, and our own subcritical testing at Los Alamos National Laboratory,” Joni Arends, CCNS Waste Programs Director said. “Marking the Route is one way to let decision makers know that we are still concerned.”



STAFF AND VOLUNTEER UPDATE

JONI ARENDS HIRED AS CCNS WASTE PROGRAMS DIRECTOR



Joni Arends, one of the original founders of CCNS, has been hired as CCNS Waste Programs Director. Ms. Arends is a recent graduate of Vermont Law School. While in law school Joni worked as an intern with the American Environmental Health Studies Project in Knoxville, Tennessee studying health impacts on DOE workers at the Oak Ridge

Facility. She also interned with the Natural Resources Defense Council in Washington D.C. in the nuclear litigation section. Joni recently returned to New Mexico and we are delighted to have her back.

ASH BLACK CCNS VOLUNTEER



Ash Black is a freelance webmaster who has maintained the CCNS website since early 1997. After living in Seattle Ash returned to New Mexico in 1996, where he pursued web development with Studio X. In 1998 he became an independent contractor. Ash says his involvement with CCNS

stems from his strongly held beliefs about nuclear waste issues, particular the controversial proposed opening of WIPP. Ash lives in Madrid, NM.

THE DRAFT LANL SITE-WIDE ENVIRONMENTAL IMPACT STATEMENT

BY JAY COGHLAN

The Los Alamos National Laboratory (LANL) Draft Site-Wide Environmental Impact Statement (SWEIS), released by DOE in April 1998, reveals the formalization of the weapons development future LANL has always sought. Under the Draft SWEIS's preferred alternatives, plutonium pit production will be relocated from the notorious Rocky Flats Plant to LANL's plutonium complex; plutonium pit storage will be expanded; high explosives testing, much involving special nuclear materials, will triple; tritium operations will be expanded; the development of accelerator produced tritium will be pursued; and the lab's "low-level" radioactive dump expanded. The lab's core nuclear weapons program budget has risen by nearly 50% since the end of the Cold War. DOE is preparing to claim substantial cleanup at LANL by the year 2008 by moving some waste to the Waste Isolation Pilot Plant, while planning to leave 85% of total wastes "buried" in the ground. Furthermore, over the next 20 years, massive volumes of new radioactive wastes will be generated.

Under the Draft SWEIS's preferred alternatives, plutonium pit production will be relocated from the notorious Rocky Flats Plant to LANL's plutonium complex...

LANL's professed post-Cold War reason-for-being is to help ensure the "safety and reliability" of the nuclear weapons —stockpile rather than weapons development. However, a close look reveals plans and funding for nuclear weapons development. As a baseline, the stockpile is currently judged to be safe and reliable. DOE's own documents state that for decades no problems are expected with stockpile aging that couldn't be detected and fixed by existing evaluation programs and remanufacturing-as-needed of both nuclear and nonnuclear parts. Nevertheless, DOE has proposed and is implementing the Stockpile Stewardship and Management (SSM) Program at budget levels now approaching \$4.5 billion annually,



Jay Coghlan at a LANL-SWEIS Press Conference, June 10, 1998.

exceeding Cold War levels for core nuclear weapons research, development, and testing programs. In a SSM programmatic environmental impact statement, DOE repeatedly stated that as a matter of national policy new nuclear weapons would not be produced. However, DOE's real SSM Plan, (the so-called "Green Book," released in a declassified version due to citizen litigation), contains a number of admissions pertaining to the indefinite maintenance of the stockpile including gradual replacement of existing weapons with modified or new ones, the possible development of new nuclear weapons in response to emergent threats, and the potential for reconstitution of the nuclear arsenal to Cold War levels.

The indefinite extension of U.S. nuclear weapons capabilities, coupled with plans for the design and production of new replacement or completely new nuclear weapons, has extremely significant international implications. The principal international instrument for suppressing the proliferation of nuclear weapons has been the NonProliferation Treaty, in which the nuclear weapons states promised in 1970 to enter into serious negotiations toward total nuclear disarmament. As their part of the bargain, non-weapons states forever forswore the acquisition of nuclear weapons. The recent deplorable nuclear weapons tests by India and Pakistan have shattered the old nonproliferation regime, but have also highlighted long-held complaints of a discriminatory regime enforced by the nuclear weapons

states. The LANL SWEIS largely reveals an indefinite extension of U.S. nuclear weapons programs. Ultimately, this will hinder global resolution of the root causes of proliferation.

In its leaked 1993 LANL Strategic Plan, lab management made clear its desire to obtain whatever residual share of production capabilities of the consolidating nuclear weapons complex that it could, in order to arrive at the ultimate ability to produce complete nuclear weapons. The Draft LANL SWEIS is now disclosing expanded nuclear weapons operations at the lab, which will help assure LANL of its position as the nation's premier nuclear weapons laboratory. Under the new stockpile plutonium pit production mission, LANL will step up pit production from the current rate of around 14 annually for research and development (in the past often detonated at the Nevada Test Site) to 50 to 80 for stockpile production and eventual deployment. In order to help create more floor space for pit production, the Draft SWEIS proposes as a possible alternative an advanced plutonium laboratory, reminiscent of a project that was stopped in the early 1990's, the completion of which would have capped the creation of a "special nuclear material park." In addition, because of a demonstration project to reduce pits into material for commercial reactor fuel rods and the processing of dangerous LANL and Rocky Flats plutonium residues, LANL is slated to remain very much involved in a variety of plutonium operations for a long time to come.

The lab's core nuclear weapons program budget has risen by nearly 50% since the end of the Cold War.

The second major activity analyzed under the Draft SWEIS is the expansion of the Area G "low-level" waste (LLW) dump, which will otherwise run out of capacity by the year 2000. It is not just a low-level waste dump; in the past reactor rods and "classified" wastes have been buried there. The Draft SWEIS projects the burial of approximately 120,000 cubic meters of LLW over the next 10 years at Area G, in an area contiguous with the designated San Ildefonso Pueblo Sacred Lands. In a process separate from the SWEIS, DOE is also considering whether LANL should become a consolidated disposal center for LLW from

other DOE sites, potentially opening the floodgates for huge volumes of offsite LLW. Additionally, the Draft SWEIS calls for tripling high explosives testing, much of it involving nuclear materials, and ten-fold increased storage of tritium at key facilities.

The indefinite extension of U.S. nuclear weapons... has extremely significant international implications.

As important as what is in the Draft SWEIS is what is not. Omitted issues include:

- Specific budget costs for specific projects under expanded nuclear weapons activities;
- The rebuild of the Nuclear Materials Storage Facility, an underground plutonium pit vault, never used because of serious design and construction deficiencies. If rebuilt under one possible alternative, its design capacity could hold up to 35 metric tonnes of special nuclear materials (LANL's declared inventories for plutonium and highly enriched uranium are 2.6 and 3.2 metric tonnes respectively);
- Site-wide plans for cleanup;
- Site-wide plans for the prevention of the offsite migration of radioactive wastes;
- Site-wide plans for the monitoring and protection of surface and ground water;
- Clear transportation data regarding total current and future shipments of radioactive materials;
- Analyses of environmental and health impacts of a major forest fire on lab property; and
- Comprehensive analysis of the environmental justice impacts of locating expanded nuclear weapons activities and radioactive waste disposal in the same state. New Mexico has the highest "minority" population, and is also home to the planned Waste Isolation Pilot Plant, the nation's first permanent dump for military transuranic wastes. DOE has stated that LANL's pit production facility is expected to be the only generator of transuranic wastes in the future, due to continuing bomb production.

The Final SWEIS is expected to be released in early 1999. Given post-Cold War realities, the need to suppress the proliferation of nuclear weapons, and the specter of yet more radioactive wastes, are the expanded nuclear weapons activities proposed in the Draft SWEIS the direction that you want for Los Alamos National Laboratory?





concerned citizens for nuclear safety

107 Cienega Street Santa Fe NM 87501

www.nuclearactive.org

e mail: ccns@nets.com

Phone 505.986.1973 Fax 505.986.0997

Non Profit Org.

U.S. Postage

PAID

Permit No. 100

Santa Fe, NM

!!NEW!!

**visit our web site at:
nuclearactive.org**

FINAL PUBLIC HEARINGS ON WIPP

WIPP STATE RCRA REVISED DRAFT PERMIT HEARINGS

JANUARY, FEBRUARY AND MARCH 1999

Alert! The New Mexico Environment Department (NMED) is in the process of approving a plan for Los Alamos National Laboratory to begin sending "pure" radioactive waste to the Waste Isolation Pilot Plant (WIPP) as early as January. The Department of Energy's plan would open WIPP to receive "pure" radioactive waste without a State permit. Meanwhile, the NMED issued its draft hazardous waste permit (for chemical & toxic waste) on November 13th even as it continues to process the State permit. Unfortunately, NMED's draft permit has relaxed the earlier proposed requirements for identifying and treating WIPP waste and has eliminated significant State regulatory procedures. These changes have raised public concern that NMED has failed to take its WIPP operational permit responsibilities seriously.

NMED will hold public hearings on the revised draft permit in February and March in Santa Fe and Carlsbad (see box). Copies of the revised draft permit can be reviewed at the CCNS office or by visiting NMED's web page at <<http://www.nmenv.state.nm.us/wipp/>>.

This is our final opportunity to oppose WIPP. Please do not ignore the importance of this hearing. **FOR MORE INFORMATION, CALL CCNS AT 986-1973, OR 1-800-456-8863.**

NMED RCRA PERMIT TIMELINE (subject to change)

January 18	Deadline for all written comment
February 1	Deadline to register to testify
February 22	Public hearing (tech./nontechnical testimony)
Hours:	9 a.m. daily through March 7, if necessary
Location:	Apodaca Hall, PERA Building 1120 Paseo de Peralta, Second Floor Santa Fe, NM
March 8	Public hearing (nontechnical testimony only)
Hours:	9 a.m. daily through March 14, if necessary
Location:	Pecos River Conf. Center, Carlsbad, NM
March 15	Optional final session (tech./nontechnical testimony)
Hours:	9 a.m. daily until completed
Location:	Santa Fe same as Feb. 22 public hearing

To send written comments or to register to testify, contact:

Hearing Clerk
WIPP Draft Permit, Room N-4071
New Mexico Environment Department
P.O. Box 26110
Santa Fe, NM 87502-6110