



**PUBLIC TESTIMONY SUBMITTED VIA LINE COMMISSION WEBSITE  
Week of June 25, 2012**

Ms. Susan Weeg 518 S 6th Ave Pocatello, ID 83201

(208) 904-0715 [stweeg44@gmail.com](mailto:stweeg44@gmail.com) Save Idaho's beautiful air, water, and land. The INL is still struggling to safely store the nuclear waste that it has. Do NOT rescind the decision to allow more nuclear waste into Idaho.

---

Mr. John Weber 6508 W Everett St Boise, ID 83704

(208) 321-4998 [js\\_weber@hotmail.com](mailto:js_weber@hotmail.com) It seems to me there is plenty of waste at the INL to experiment with that no new waste should be brought in. The INL was set up to clean up the waste at the site. It should focus on this task. When this task is complete it should start shutting down operations. In the future the federal gov't will only reduce funding for the INL. I don't want to see my state tax dollars go to this federal operation. Thanks!

---

Ms. Nancy Greco 442 S. Garfield Pocatello, ID 83204

(208) 232-2607 [nanbaker@cableone.net](mailto:nanbaker@cableone.net) No commercial nuclear waste. Not then. Not now. Not ever.

---

Dr. Peter Rickards 2672E 4000N Twin Falls, ID 83301

(208) 969-0682 [nifty1@cableone.net](mailto:nifty1@cableone.net) 1) Please consider DOE's Dr Soderholm's work below on how easily plutonium nanoclusters move with water. This totally contradicts the present CERCLA decision that leaves 90 % of the buried plutonium over our water supply. Please recommend Atty Gen Wasden correct the flawed CERCLA decision to leave the near ton of billions of plutonium particles, and open the new plutonium dump, ICDF.

2) Please study the STUXNET worm that destroyed Iran's nuclear infrastructure and centrifuges. As Homeland Security admits, nuclear power plants and the DOE are subject to daily attempts of cyber terrorism. Please recommend that gambling we can stay one cyber-step ahead of foreign enemies and disgruntled employees is a reason to NOT pursue nuclear power. It is best for defense to have widespread wind and other non-meltdown energy sources. Only nuclear power can force the evacuation of Idaho. Idaho is too great to evacuate.

I'd be happy to email my full comments...Peter

---

**SENT VIA EMAIL TO DR. RUDIN, JEFFERY SAYER, MAYOR FUHRIMAN AND OTHERS**

IDAHO FAMILIES FOR THE SAFEST ENERGY

Dear LINE Commission members,

1) Please consider DOE's Dr Soderholm's work below on how easily plutonium nanoclusters move with water. This totally contradicts the present CERCLA decision that leaves 90 % of the buried plutonium over our

water supply. Please recommend Atty Gen Wasden correct the flawed CERCLA decision to leave the near ton of billions of plutonium particles, and open the new plutonium dump, ICDF.

2) Please study the STUXNET worm that destroyed Iran's nuclear infrastructure and centrifuges. As Homeland Security admits, nuclear power plants and the DOE are subject to daily attempts of cyber terrorism. Please recommend that gambling we can stay one cyber-step ahead of foreign enemies and disgruntled employees is a reason to NOT pursue nuclear power. It is best for defense to have widespread wind and other non-meltdown energy sources. Only nuclear power can force the evacuation of Idaho. Idaho is too great to evacuate.

In order not to repeat history, you must understand the broken promise to remove all the buried plutonium. Governor Otter and DEQ have misinformed the public, claiming they won the "ALL means ALL" Court case, and now claiming "INL has constantly followed through on its promises." I will use the Judge's quotes to prove the State KNEW all NEVER meant ALL, and they have intentionally misinformed Idaho families.

In the ultimate "fox guarding the hen house" moment, Idaho's nuclear Oversight Director Burke declared in media, "INL has constantly followed through on its promises." (4/27 -Times-News) That bold re-writing of history is approved by and repeated by Governor Otter. Meanwhile your Commission ponders inviting even more orphaned spent fuel into Idaho, just for the money.

How do Governor Otter and Gallatin lobbyist Cecil Andrus sweep over a ton of loose plutonium particles under Idaho's rug? Why does media allow them to incorrectly declare they succeeded to "get the waste out" and pretend they won the "all means all" legal dispute? This really is not so hard to understand. I quote the Judge's words below to show you what the media has misreported for decades. I quote the details Otter, Batt, and Andrus agreed to, leaving 90% of the billions of plutonium particles dumped, and opening a new plutonium dump onsite.

I detail exactly where DOE avoids the dangers of problems with plutonium colloids moving with water. They actually admit they expect the water barrier cap to fail. They admit they must make up estimates on colloids because they have no real data. They also admit if they removed all our acres of plutonium contaminated waste as promised, it would overflow the WIPP dump in New Mexico. This is not what Idaho was promised, and not what DEQ or politicians admit when they call the new plan "safe," and a "promise kept." I have more details, but here is a short summary of key statements and where to find them...Peter

Dr. Peter Rickards DPM Spokesman for Idaho Families For The Safest Energy 969-0682

ROD <http://ar.inel.gov/images/pdf/200810/2008100100495TUA.pdf> This is the final Record of Decision for the over a ton of scattered buried plutonium particles, billions of particles in each pound.

In response to a public comment doubting the cap over the plutonium will work to stop water, the DOE responds they do NOT expect the barrier to work either! From page 136 or webpage 156/197

"Response: The remedial action objective is to inhibit migration into the vadose zone and aquifer to meet the remediation goal of reducing infiltration to keep aquifer concentrations from exceeding MCLs. Objectives and goals are **so formulated because completely "preventing any water from reaching the waste zone" is neither necessary nor achievable over time.**"

---

Colloids, or microscopic bits of clay can carry plutonium, even in sluggish aquifers. DOE's Dr Kersting found plutonium colloids moved over 1 mile at the slow aquifer at Nevada Test Site in 1997. (In the below document webpage 37/50 "a well-known study at the Nevada Test Site (Kersting et al. 1999) has been frequently cited as evidence for processes that can result in rapid migration of plutonium,".

Here is the INL colloid paper used to superficially address, then dismiss DOE's Dr Kersting and the unknowns of colloids, to avoid a full clean up. Colloids are dismissed, even though the DOE guesses over 80 lbs of scattered plutonium particles will move as colloids! (2.2 lbs per kilogram)  
<http://ar.inel.gov/images/pdf/200405/2004051900569GSJ.pdf> (Pu is short for plutonium)

From Abstract summary Page iii or webpage 3/50

**"As a colloid, particulate PuO<sub>2</sub> could be transported more rapidly than soluble species of plutonium and therefore must be considered in evaluating the potential for groundwater contamination by plutonium."**

Page 1 or webpage 9/50

"Because records of waste shipments to the SDA did not include detailed information about physical and chemical forms of individual waste components, and because direct field data are not available, estimates were derived for these quantities using ancillary information and scientifically defensible methods. Of particular concern is the fraction of plutonium in the form of PuO<sub>2</sub> (plutonium oxide) particles and the potential for this fraction to be mobilized by infiltrating water."

Page 7 or webpage 15/50

## 2.1 Assumptions

A series of engineering estimates were developed because of the absence of direct measurements of colloidal-size plutonium in waste streams sent to the SDA. **Each estimate involves assumptions that affect the final estimate.**

Page 21 or webpage 29/50

**"For the best estimate, a total of 41.87 kg of plutonium is in the transportable particulate range, with 11.29 kg from the 1954-1963 era and 30.58 kg from the 1964-1970 era. For the 95% upper confidence limit, a total of 55.53 kg of plutonium is in the transportable particulate range, with 13.99 kg from the 1954-1963 era and 41.54 kg from the 1964-1970 era."**

Page 26 or webpage 34/50

**"While development of models for predicting colloid transport has progressed, gaps in knowledge make it difficult in this case to apply existing models to the question of PuO<sub>2</sub> transport."**

Feasibility study <http://ar.inel.gov/images/pdf/200706/2007061400254TUA.pdf>

Here is one key reason DOE does not want to remove all the acres of plutonium waste at INL, because it would overflow the New Mexico WIPP facility! From page 4-67 or webpage 278/285

"Currently, WIPP is the only facility that can receive transuranic waste for disposal. Total capacity of WIPP as currently designed is 175,600 m<sup>3</sup> (229,676 yd<sup>3</sup>); **WIPP may not have sufficient capacity to receive 242,000 drums or 50,000 m<sup>3</sup> (66,000 yd<sup>3</sup>) of potentially acceptable waste from the SDA,** necessitating that Congress modify the WIPP Land Withdrawal Act. In addition, WIPP is expected to be filled to capacity by the year 2034. **The retrieval component of this alternative would last until the year 2037, which could pose a problem if WIPP is filled to capacity by the year 2034."**

---

Here are the references as I wrote them to Gov Otter & DEQ, who have not replied...Peter

Date: Thu, May 24, 2012 at 10:30 AM

Subject: Request to Governor and DEQ to stop misinforming Idahoans by claiming INL keeps their promises-  
Please come clean to protect our water from plutonium

To: Butch Otter <[jon.hanian@gov.idaho.gov](mailto:jon.hanian@gov.idaho.gov)>, [rbartlett@gov.idaho.gov](mailto:rbartlett@gov.idaho.gov), [susan.burke@deq.idaho.gov](mailto:susan.burke@deq.idaho.gov)

Cc: [fpriestley@idahofb.org](mailto:fpriestley@idahofb.org), [brad.little@lgo.idaho.gov](mailto:brad.little@lgo.idaho.gov)

Dear Governor Otter and INL Oversight Director Burke,

We wrote to you last September asking you correct the DEQ website claim the new 2008 nuclear deal removed "most" the buried plutonium. Because we documented 90% of the dumped plutonium will remain buried, while you open a new plutonium dump for future projects, DEQ did delete the misleading incorrect wording. Director Burke claimed it was an innocent oversight and even thanked us for pointing out the misinformation.

(Post-Register: 9/30/11) "**The original wording was incorrect because the roughly 7,500 cubic meters of waste that must be removed represents only a small percentage of the disposal area's buried waste.**" & "...simply were poor choices of words and not a deliberate attempt to mislead the public, said Susan Burke, the state's INL oversight coordinator. "It was a complete error on our part, and I'm happy (Rickards) pointed it out," Burke said. "There's no intent to put any misinformation out."

<http://www.postregister.com/story.php?accnum=1064-09302011&today=2011-09-30>

However, detailed below, Director Burke is again misinforming the public, claiming **"INL has constantly followed through on its promises."** This needs public correction please, since both INL and Idaho politicians have clearly broken their promises, which we document below quoting the Court ruling. Since the Governor must approve of any Departments media comments, it is clear this lie is what you are directing her to say.

In fact, Governor Otter, to justify your LINE Commission, now considering importing more spent fuel, your Executive Order falsely claims "*binding agreements between the State of Idaho and INL, have guided successful cleanup efforts of legacy waste at the site.*" Found at [http://gov.idaho.gov/mediacenter/execorders/eo12/eo\\_12\\_01.pdf](http://gov.idaho.gov/mediacenter/execorders/eo12/eo_12_01.pdf)

**Please explain why you are claiming you and INL keeps your promises when it is clear from years in Court you are all breaking your promises.**

The 4/27/12 Times-News, (full article below) declared the public now trusts INL, since they keep their promises, stating:

"We delivered on our commitments," Bugger said. "We've done what we've said we would do and that's helped change the attitude."

INL has constantly followed through on its promises, said Susan Burke, INL coordinator for the Idaho Department of Environmental Quality."

The 1995 ad sent to every Idaho household from Lockheed, Batt, Andrus, Otter, and all, claimed the deal would "Say NO to leaving waste over the aquifer" and "Get The Waste Out." In fact, you just repeated your false "get the waste out" claim yesterday in the Couer d'Alene Pres bragging "It was a landmark beginning to a process that culminated in 1995 with Governor Phil Batt's crafting of a historic agreement with the Navy and the U.S. Department of Energy to get the waste out of Idaho." You falsely called this broken promise "a testament to state's rights."

How does "get the waste out" & "ALL means ALL" translate to leaving 90% buried, opening new dumps, and getting praise for keeping promises and being "successful"?

[http://www.cdapress.com/news/local\\_news/article\\_f139f9b4-a52a-11e1-aed3-001a4bcf887a.html](http://www.cdapress.com/news/local_news/article_f139f9b4-a52a-11e1-aed3-001a4bcf887a.html)

This is clearly intentional lying, trying to convince Idahoans that the promise to remove all the cancer causing plutonium, made in 1970, and repeated since 1995, has been kept. This is now clearly so you can welcome new nuclear experiments, like the plutonium-238 production cluster, and full scale nuclear reactors, that will also bury plutonium on site, in this flood zone. The first new dump is called ICDF, and more are planned.

In our September letter, we also asked you to post for the public DOE's Dr. Soderholm's devastating work on how easily plutonium nanoclusters move with water, but that has not been done. Her great work reveals the danger of leaving so much plutonium, yet you continue to ignore this DOE document. To be clear, we share this again below.

[http://www.anl.gov/Media\\_Center/News/2008/news080422.html](http://www.anl.gov/Media_Center/News/2008/news080422.html)

### **Scientists discover how the structure of plutonium nanocluster contaminants increases risk of spreading**

ARGONNE, Ill. (April 22, 2008) — For almost half a century, scientists have struggled with plutonium contamination spreading further in groundwater than expected, increasing the risk of sickness in humans and animals. " & "Models have been based on the free-plutonium model, creating discrepancies between what is expected and reality."

---

**Why do you continue to ignore DOE's Dr. Soderholms discoveries, which could be used under the CERCLA law to demand the full removal of ALL plutonium, as promised, and provide over \$13 Billion in Idaho jobs?** That is more job money than the dangerous experiments you prefer, so why not come clean please?

The incorrect news article claimed the Judge ordered "ALL" buried plutonium waste be removed. That is simply NOT true, yet it is misreported repeatedly in Idaho media for over a decade.

Here is the direct quote from the Judge's ruling. He clearly understood Idaho agreed to leave half the buried plutonium by changing the definition of transuranic waste, despite their repeated claims "all means all." **The Judge shows you politicians KNEW "all" NEVER meant ALL. Now YOU are removing only 10% of the buried plutonium, and claiming INL keeps their promises!!!** You are clearly lying, aren't you? Isn't it treason to endanger our children's health, our water, and intentionally misinform Idaho families?

From page 9 of the Court ruling after the Judge read the State negotiation notes:

"In arriving at the definition of transuranic waste, the State sought repeatedly to include alpha low-level waste in the definition.

(Trever, pp. 22, 53-82). Idaho was particularly concerned about alpha low-level waste being removed because of future projects proposed by DOE at INEL which had the potential for alpha low-level waste to be stored at INEL permanently." &

"Late in the negotiations, the State ceded the point and alpha low-level waste was taken out of the final definition thereby removing any obligation upon the United States to remove alpha lowlevel waste from INEL."

So the judge only ordered HALF the buried plutonium waste be removed. You politicians and DEQ have been faking this fight for over a decade. You didn't even enforce removing the HALF you agreed too! 90% of the plutonium will remain buried, while T-N's reports DEQ and INL have kept their promises and everyone now trusts INL. Idahoans are depending on you to tell the truth.

Please respond and please admit you have been intentionally lying to Idaho families about protecting our water. Please use DOE's Dr. Soderholm's work to force the full removal of the legacy plutonium waste that Idaho has been promised for so long.

Sincerely , Dr. Peter Rickards D.P.M.  
Idaho Families For The Safest Energy  
208-969-0682

Chuck Broscious - Executive Director  
Environmental Defense Institute  
<http://www.environmental-defense-institute.org/>  
Troy, Idaho 83871-0220 Phone: 208-835-5407  
Email: [edinst@tds.net](mailto:edinst@tds.net)

Here are the Court's words in full context. See page 9/34 on state ceding and allowing plutonium to remain, and allowing new projects to dump plutonium onsite

[http://www.gpo.gov/fdsys/pkg/USCOURTS-idd-1\\_91-cv-00054/pdf/USCOURTS-idd-1\\_91-cv-00054-0.pdf](http://www.gpo.gov/fdsys/pkg/USCOURTS-idd-1_91-cv-00054/pdf/USCOURTS-idd-1_91-cv-00054-0.pdf)

"a) Drafting History - Alpha Low-Level Waste and Transuranic Waste Definition:

This definition was a contested point in the negotiations. In arriving at the definition of

transuranic waste, the State sought repeatedly to include alpha low-level waste in the definition. (Trever, pp. 22, 53-82). Idaho was particularly concerned about alpha low-level waste being removed because of future projects proposed by DOE at INEL which had the potential for alpha low-level waste to be stored at INEL permanently. (Trever, pp. 22, 55-82, 166-68). This is consistent with Idaho's efforts throughout these negotiations to expand the waste subject to removal from INEL. (Frei, p. 155; Urie, pp. 182-83; Trever, pp. 9-12, 53-82). On the other hand, the United States was insistent that transuranic waste be defined as in the EIS which excluded alpha low-level waste. Late in the negotiations, the State ceded the point and alpha low-level waste was taken out

of the final definition thereby removing any obligation upon the United States to remove alpha lowlevel waste from INEL.

13 (Grumbly, pp. 47-49; Trever, pp. 81).

---

Quoting DEQ stats and the 2008 "new deal" specifics...

From <http://www.deq.idaho.gov/inl-oversight/oversight-agreements/1995-settlement-agreement.aspx>

### **How much nuclear waste was at the INL before the Settlement Agreement was signed?**

According to Idaho's INL Oversight Program, there were 261 metric tons of heavy metal from spent fuel, 65,000 cubic meters of stored transuranic wastes, another 62,000 cubic meters of buried transuranic waste, SNIPPED

---

On page 6/43 at [http://www.deq.idaho.gov/media/550373-implementation\\_agreement\\_2008.pdf](http://www.deq.idaho.gov/media/550373-implementation_agreement_2008.pdf)

## V. TRANSURANIC RETRIEVAL VOLUME

**A. DOE shall retrieve not less than 6,238 cubic meters of Targeted Waste** from within that portion of the Subsurface Disposal Area identified in Appendix D attached hereto or areas immediately adjacent to those areas within retrieval enclosures constructed pursuant to this Agreement. SNIP

---

[http://magicvalley.com/news/local/state-and-regional/the-public-opinion-tide-is-turning-for-idaho-national-laboratory/article\\_d6e0a035-1710-58ba-815c-a33ef2919be1.html](http://magicvalley.com/news/local/state-and-regional/the-public-opinion-tide-is-turning-for-idaho-national-laboratory/article_d6e0a035-1710-58ba-815c-a33ef2919be1.html)

### **Nuclear Waste Cleanup Continues**

#### **The Public Opinion Tide Is Turning for Idaho National Laboratory Story**

The Public Opinion Tide Is Turning for Idaho National Laboratory

By Kimberlee Kruesi - [kkruesi@magicvalley.com](mailto:kkruesi@magicvalley.com) Magicvalley.com | Posted: Friday, April 27, 2012 2:00 am

At a Glance: INL Cleanup

The Idaho National Laboratory, managed by the U.S. Department of Energy, is now in its 17th year of nuclear waste cleanup following a court settlement with the state of Idaho. A look back:

1995 • Settlement agreement reached between the state of Idaho, U.S. Navy, and DOE that requires DOE to meet certain waste cleanup obligations. Among them: transuranic waste stored at INL must leave the state of Idaho by 2018.

2006 • Amid a dispute over the terms of the agreement, a federal judge rules that the DOE must remove all buried waste from the INL site.

2008 • Due to definition disputes of “all,” the state agrees to a new deal that allows DOE to seal and leave in place some waste in specific areas.

2012 • By the end of this year, 900,000 gallons of radioactive liquid waste stored at INL should be treated and removed.

#### **Mishaps Pause Some INL Progress**

The Idaho National Laboratory has attracted headlines this month for another matter — safety issues at its research and development facilities.

About 800 workers at the Materials and Fuels Complex are spending two weeks evaluating mistakes made during two accidents last week. Among them, a 3,000-pound piece of a metal shutter shield fell from a crane near an employee.

The mishaps weren't on the cleanup side, but it has faced its own occasional setbacks. Also last week, retrieval of transuranic waste resumed after a nearly two-year hiatus. The work suspension came in 2010 after about 20 workers were exposed to radioactive waste when a plywood box broke open, though site managers said the doses were below acceptable levels. A new contractor, a consortium led by Babcock and Wilcox and URS Corp., has since taken over the contract for the transuranic waste from former contractor Bechtel BWXT Idaho.

— Wire reports

IDAHO FALLS • As the Idaho National Laboratory prepares to take on another nuclear waste project, officials also hope they're making just as much headway on gaining the public's trust.

Starting next month, contractors at the Idaho National Laboratory will begin treating 900,000 gallons of radioactive liquid waste, then shipping it out of the state. The project is the latest step in a multi-decade effort to remove nuclear waste from INL and the state, laid out in a 1995 court settlement involving the U.S. Department of Energy, the U.S. Navy and Idaho officials.

The liquid waste is currently being stored in underground tanks that were built during the Cold War for spent nuclear fuel reprocessing. The DOE received approval to open a new \$570 million facility to treat the spent fuel, said Rick Craun, the project's federal director.

It matters to residents of the Magic Valley because the tanks are positioned a few hundred feet above the Eastern Snake Plain Aquifer, a major source of southern Idaho drinking water, said Brad Bugger, spokesman for DOE.

"We've never had a leak in those tanks but now that we're no longer reprocessing the spent fuel, we want to get it all out," Bugger said.

The DOE has completed more than 950 milestones tracking the course of the cleanup, including unearthing almost three acres of buried waste and dismantling more than 2 million square feet of buildings contaminated with radioactivity.

There's still quite a bit of waste left to remove, but Bugger said spreading word of INL's current accomplishments helps establish a certain amount of trust among regulators and the public.

"We delivered on our commitments," Bugger said. "We've done what we've said we would do and that's helped change the attitude."

INL has constantly followed through on its promises, said Susan Burke, INL coordinator for the Idaho Department of Environmental Quality. DEQ oversees INL's activities for the state and monitors water and air quality near the facility.

"It just seems logical that you're going to build up confidence with the public if you do what you say you're going to do," she said.

DEQ will always be a regulator first when it comes to INL, Burke said. But she noted the two organizations have moved closer to a partnership.

"I think it's mostly been done in keeping us aware on how it's going over there and what they're thinking on how they're approaching something," Burke said. "There's room for discussion on some things."

Beatrice Brailford from the Snake River Alliance, a nuclear watchdog organization, praised DOE's efforts.

"In the early days of the cleanup, people had some wacky ideas on how to get rid of waste," she said. "But they've remained vigilant in making progress and I'm pretty pleased with that."

[http://magicvalley.com/news/local/state-and-regional/the-public-opinion-tide-is-turning-for-idaho-national-laboratory/article\\_d6e0a035-1710-58ba-815c-a33ef2919be1.html#ixzz1tYmUwcqI](http://magicvalley.com/news/local/state-and-regional/the-public-opinion-tide-is-turning-for-idaho-national-laboratory/article_d6e0a035-1710-58ba-815c-a33ef2919be1.html#ixzz1tYmUwcqI)



**PUBLIC TESTIMONY SUBMITTED VIA LINE COMMISSION WEBSITE  
Week of July 2, 2012**

Mr. Brandon Paine 2211 Cornhusk Ct Boise, ID 83702

(208) 861-8095 [brandonpaine@broncoelite.com](mailto:brandonpaine@broncoelite.com) With the following facts I would like to reinforce that Idaho has said "No" to storing the Nation's nuclear waste:

- Nuclear waste should be stored as safely as possible as close to its point of generation as possible. It is not necessary to bring commercial radioactive waste into Idaho for "storage" or "research."
- Idaho is widely recognized as a non-consent state when it comes to the storage or disposal of commercial radioactive waste. Since the 1970's Idahoans have made clear their steadfast opposition to accepting commercial radioactive waste.
- The 1995 Settlement Agreement clearly expressed Idaho's refusal to consent to the importation of commercial radioactive waste. The LINE Commission must not renegotiate the Settlement Agreement for any purpose.
- Future missions at the Idaho National Lab cannot include the importation of radioactive commercial spent-fuel. Any research mission cannot include reprocessing.
- The most important mission at the Idaho National Lab is to protect Idaho's land, water and people through the clean-up of existing radioactive contamination above the Snake River Aquifer. Clean-up should remain fully funded.

Sincerely, Brandon Paine

---

Ms. Hillary Anderson P.o. Box 978 Ketchum, ID 83340

(208) 726-3739 [hchoices@kirkanderson.com](mailto:hchoices@kirkanderson.com) Idaho is a non consent State, thank God for the Snake River Alliance to make sure that Idaho is well taken care of and not sold to the highest bidder.

---

Ms. Muriel Roberts 545 1/2 South Nineteenth Avenue Pocatello, ID 83201

(208) 232-5424 [murielroberts255@gmail.com](mailto:murielroberts255@gmail.com) I strongly urge the LINE Commission not to consider allowing more nuclear waste into Idaho. Idaho has said NO time and again. We must not say YES now.

---

Mr. Brett Nelson 9127 W Preece St. Boise, ID 83704

(208) 230-1680 [blizzardville@yahoo.com](mailto:blizzardville@yahoo.com) We don't need to be importing hazardous waste for any reason. What few jobs this may creates is outweighed orders of magnitude by the risk.

---

Dr. Manley Briggs 1316 Harrison Blvd. Boise, ID 83702

(208) 866-0543 [manleybriggs@cableone.net](mailto:manleybriggs@cableone.net) Dear Sirs,

Do not accept modification of the 1995 Settlement Agreement that allows commercial spent nuclear fuel to come into Idaho.

Nuclear waste should be stored as safely as possible as close to its point of generation as possible. It is not necessary to bring commercial radioactive waste into Idaho for "storage" or "research."

Idaho is widely recognized as a non-consent state when it comes to the storage or disposal of commercial radioactive waste. Since the 1970's Idahoans have made clear their steadfast opposition to accepting commercial radioactive waste.

The 1995 Settlement Agreement clearly expressed Idaho's refusal to consent to the importation of commercial radioactive waste. The LINE Commission must not renegotiate the Settlement Agreement for any purpose.

Future missions at the Idaho National Lab cannot include the importation of radioactive commercial spent-fuel. Any research mission cannot include reprocessing.

The most important mission at the Idaho National Lab is to protect Idaho's land, water and people through the clean-up of existing radioactive contamination above the Snake River Aquifer. Clean-up should remain fully funded.

---

Dr. Stephen Crowley 1924 South Grant Ave. Boise, ID 83706

(208) 392-2514 [yelworcs@gmail.com](mailto:yelworcs@gmail.com) Dear Commissioners - I am strongly opposed to allowing spent nuclear fuel to come to Idaho. While I acknowledge that solving the nuclear waste problem is a very important task I do not see any reason to think that bringing nuclear waste to Idaho will improve our chances of solving that problem. In fact it seems more likely to turn Idaho into a de facto nuclear waste storage site. Nuclear storage is complex dangerous and poorly understood. No attempt to store waste in Idaho should be undertaken without explicitly consulting ALL the citizens of our state. Until such a referendum/election has occurred you should support Idaho's status as a non-consent state and refuse to accept spent commercial nuclear fuel into Idaho.

Thank you for your consideration.

Yours Sincerely - Stephen Crowley

---

Mr. Takayuki Yoshida 4551 S Trails End Ln Boise, ID 83716

(208) 342-2633 [gahanyoshida1@msn.com](mailto:gahanyoshida1@msn.com) Dear LINE commissioners I saw the LINE commission meeting on Jun 29 from Idaho PTV.

And I agreed the speech of Liz Woodruff (Snake River Alliance) My nationality is still Japan, but I am Idaho resident.

I am living in Idaho 10 years, and I am going to be citizen of USA and stay in Idaho until I die. because I love Idaho. Especially I love the nature of Idaho. even desert place like INL's prairie.

So Please do not mess our land our water by radioactive material.

Already we have enough nuclear waste for cause terrible disaster. We do not want to see any more contamination like Hiroshima, Nagasaki, Fukushima in this states.

I wish no more Nuclear waste will come to Idaho.

And wish they do not create anymore nuclear waste in another states.  
I wish make more clean energy facility in Idaho, and all over USA.  
I send this message to you as one of Idaho resident, as one of Idaho fan.  
Thank you for read this.

Takayuki Yoshida

---

Ms. Patricia Barclay PO Box 255 Boise, ID 83701

(208) 336-8508 [patbarclay@icie.org](mailto:patbarclay@icie.org) I would like to be notified of the meetings and other information on the  
LINE Commission.

Thanks,  
Pat Barclay



**PUBLIC TESTIMONY SUBMITTED VIA LINE COMMISSION WEBSITE  
Week of August 13, 2012**

Mr. Ben Roberts 1832 Delaware Ct Idaho Falls, ID 83404

(806) 335-0355 ben.b.roberts@gmail.com.

The attorney general's presentation from the June meeting is not available on the website. Can that presentation either be posted to the website or emailed?

Thank you,

Ben Roberts

---

Mr. Lane Allgood 1075 S Utah Avenue Suite 181 Idaho Falls, ID 83402

(208) 313-4166 lallgood@P-S-T.org

While the Settlement Agreement is an important component to the successful cleanup of Department of Energy legacy waste on the INL site, it has very limited applicability to the mission of the Commission. The Executive Order describing the purpose and mission of the LINE Commission addresses opportunity. The Settlement Agreement is referred to only once in the entire Executive Order. The Partnership for Science and Technology strongly recommends that the Commission focus its efforts on the opportunity.

The Settlement Agreement is viewed by our community as a tool that helped ensure cleanup stayed on track. Milestones have been met and most ahead of schedule.

-In Eastern Idaho we have no concerns regarding the agreement. Nor do we believe the commission's charge of looking at opportunity in any way threatens the agreement. We understand over the course of 17 years times have changed and so should agreements. Changes have been made to the Agreement in the past. The spirit of the agreement is still intact and progress is being made to satisfy the interest of INL's neighbors and Idaho's tax payers. If additional change is necessary, then we trust the same parties to come to consensus again in a similar fashion based on science and reason.

-If a recommendation by the LINE Commission that refers to the Settlement Agreement is necessary, then we propose the following:

It is naive to think that a 17-year old Settlement Agreement will never require change. We encourage the three parties to the Agreement to review the Agreement annually and determine if adjustments to the Agreement are necessary.

Other Points to be considered as it relates to OPPORTUNITY In Eastern Idaho we are the home of INL, five higher education institutes and 20 businesses that are strongly involved in the Nuclear Industry some not related to the INL.

Therefore, we see the role of LINE as critical AND urgent for all of Idaho. Economic impact from the nuclear industry is tremendous, but developing an economy dependent upon the INL is a risk. Recent actions illustrate the tentative nature of basing our economy solely upon the INL:

- oAnnual funding of the laboratory is subject to federal approval and just this year an initiative was proposed that could have cut as much as 60% of INL's funding,
- oThe GAO has recently announced a BRAC initiative to look at closing National Laboratories. INL's risk of closure increases if public and state support is not evident.
- oFederal budgets are declining and other Laboratories are successfully pulling in project work typically performed by INL into their own states.
- oRight now, we have a strong nuclear trained workforce including crafts, trades professionals, and educators. We are at risk of losing this workforce if there is nothing to keep them in the state.

-We need this commission to focus on the opportunities at hand for the region to continue to lead in nuclear and other energy technologies. These opportunities will be built to a great extent upon new commercial business development and collaborations of those commercial opportunities with the existing laboratory infrastructure and educational institutions in the State. Some examples of recommendations we would encourage that would show Idaho's support of this development of a leadership role could include:

- oExpansion of Energy Systems Technology and Education Center. The state of Idaho should invest in expansion of the ESTEC program to double its capacity by 2014.
- oHigher education institutions should focus on a collaborative effort to pursue international opportunities and needs in nuclear workforce education and nuclear industry training. There is a global need and our universities are well poised to benefit in support of this need. This can be done through student exchanges and technology that allows on-line training and connections between an Idaho Campus and a student based in a foreign country or another state.
- oExpand workforce development programs in Idaho to support needs identified in the Blue Ribbon Commission report. Workforce development is an explicit need identified in the Blue Ribbon Commission Report, the education institutions must explore what programs, degrees need to be offered to support this national need. This can be done in partnership with INL and offered as workforce development program nationwide.
- oSupport expanded research missions at INL. If the current Settlement Agreement prohibits certain research from occurring, then the LINE should allow the parties to review what changes are necessary and work through the allowed process to make the necessary adjustments.
- oProvide state support in marketing through the Department of Commerce to advertise our strengths and work to grow the commercial nuclear and the energy - industry in Idaho.

---

Mr. Eric Brandt 2425 S Morning Sun Ct. Nampa, ID 83686

(208) 608-5966 discoverthesource@gmail.com Dear Idaho LINE,

I'm very opposed to bringing in more nuclear waste than we already have here in ID. My main reason is we have TOO MUCH waste here already, which isn't exactly safe and secure from very possible geological movements that our Earth is doing more and more. We sit over the Yellowstone caldera - not the most stable planet on the planet. Please read my other points below.

Nuclear waste should be stored as safely as possible as close to its point of generation as possible. It is not necessary to bring commercial radioactive waste into Idaho for storage or research.

Idaho is widely recognized as a non-consent state when it comes to the storage or disposal of commercial radioactive waste. Since the 1970's Idahoans have made clear their steadfast opposition to accepting commercial radioactive waste.

The 1995 Settlement Agreement clearly expressed Idaho's refusal to consent to the importation of commercial radioactive waste. The LINE Commission must not renegotiate the Settlement Agreement for any purpose.

Future missions at the Idaho National Lab cannot include the importation of radioactive commercial spent-fuel. Any research mission cannot include reprocessing.

The most important mission at the Idaho National Lab is to protect Idaho's land, water and people through the clean-up of existing radioactive contamination above the Snake River Aquifer. Clean-up should remain fully funded.

Thanks for taking the time to read and consider my ideas.  
All the best,  
Eric Brandt

---

Dr. Nicole Stricker 3750 Creekside Dr. Idaho Falls, ID 83404

(208) 520-3230 [nicole.stricker@inl.gov](mailto:nicole.stricker@inl.gov) Will there be an opportunity to watch or listen to Friday's (Aug. 10) meeting online? If so, could you please provide a link?  
Many thanks, Nicole Stricker

---

Dr. Larry Hyatt 407 3/4 Waren St Boise , ID 83706

(208) 850-2039 [leros61@yahoo.com](mailto:leros61@yahoo.com) Idaho is a Non-concent State and must remain so.



**PUBLIC TESTIMONY SUBMITTED VIA LINE COMMISSION WEBSITE**  
**Week of October 29, 2012**

Mr. Bill Chisholm 19073E Hwy 30 Buhl, ID 83316

(208) 543-4418 [chishom3@mindspring.com](mailto:chishom3@mindspring.com) To: LINE Commission

From: Bill Chisholm  
19073E Hwy 30  
Buhl, Idaho 83316  
[chisholm3@mindspring.com](mailto:chisholm3@mindspring.com)

I have a long history of involvement in a wide range of Idaho environmental and social issues. In fact most issues are both social and environmental. My experience tells me that if the process is flawed, the policy and the project that come out of such a process is also flawed. The process that the LINE Commission is involved in is terribly flawed by both its make-up and its nuclear industry love in approach.

There is no balance on the commission, no real opportunity thus for critical thinking and honest discussion. The public input aspect of the process is terribly flawed. Not much guess on what the commission's recommendation will be; one wonders why it was even established?

If you want any credibility, you should abandon your time schedule, seek a balanced panel and open the discussion to the public. Holding meetings in the various regions doesn't cut the mustard.

The arrogant mindset of the nuclear industry that created the so called Legacy Issues still exists. The make up of the commission alone speaks to that reality. Those of us living down wind and down stream from IN(E)L are not a bunch of country bumpkins. We know and understand the importance and long term consequences of the nuclear age.

I was appalled at the short sightedness and the ingenuous nature of much of what I heard at the commission meeting held in Twin Falls on Friday, October 19th. The engineer from the nuclear lobby group's minimization of the quantity, a football field seven feet deep paints a rather simple picture of the volume of space and materials, not to mention monies that it will take to contain the nuclear waste stream over its harmful lifetime.

The seeming ecstatic testimony of those that say the cask can now be licensed for 40 rather 20 years as if that is some great accomplishment given the fact that these problems are going to be passed on from generation to generation. The sheer volume of concrete and stainless steel necessary to secure these casks are going to be taking resource that might go to other infrastructure needs.

The idea that Idaho be some sort of interim storage solution to get the nuke industry off the waste hook is terribly flawed for many reasons. Once waste is moved from its current storage location, the interest in a viable solution passes with it and Idaho will be left holding the bag. If there were geologic issues with Yucca Mountain, one need only look at the earthquake potential for eastern Idaho and know that is not a good site.

As with all issues, what to do with nuclear waste is tied to a broad range of other issues, two of which deal with the production and consumption of energy. I am attaching an energy plan that I presented to the

Idaho Legislature's Interim Energy Committee. It starts with energy efficiency and conservation. Unless your commission gets to the root of the issue and addresses a comprehensive energy policy your work will be a bit like a new paint job on an automobile with a blown engine and a shot transmission.

The only thing that I heard at the meeting I attended that made any sense came from the last of the four Idaho Falls businessmen to speak. He said something to the effect that there need to be a full discussion about the social, economic and environmental issues.

We have a serious problem, we need an answer, or at least we need to take some positive steps towards an answer. No doubt there is some expertise at INEL, around the nation and around the world that are necessary components of a solution, but this should not be about short term, selfish economic interests. It should be about leaving future generations building blocks on which they can advance, not holes they must crawl out of.

Einstein is quoted as saying, We cannot solve our problems at the same level of thinking at which we created them. I've been using that quote in letters, speeches and public testimony for years. I believe that one should not identify a problem without offering a solution, so you will also find attached a paper, Tri-spherical Thinking, that I wrote many years ago and have edited as my own awareness has expanded. Put quite simply it is about asking the next obvious question, If we do this, then what?

---

Mr. Brent Laird 770north Skyline drive Idaho Falls, ID 83402

(208) 360-4478 [idarusskienomail@gmail.com](mailto:idarusskienomail@gmail.com) I would like the INL to build a molten salt reactor to burn spent fuel. molten salt reactors can use the thorium cycle or they can use other fissile isotopes or a mixture. This reactor should be set up to generate ammonium not electricity. This would give the farmers in the state a break on their ammonium costs. for more information on molten salt reactors check out <http://energyfromthorium.com/> if the reactor proves successful then INTEC could be used to prepare fuel salt mixtures for other reactors.

---

**From:** Peter Rickards <[nifty1@cableone.net](mailto:nifty1@cableone.net)>

**Date:** October 19, 2012, 12:13:50 PM MDT

**To:** [jeffery.sayer@commerce.idaho.gov](mailto:jeffery.sayer@commerce.idaho.gov), [nsmall@shoshonebannocktribes.com](mailto:nsmall@shoshonebannocktribes.com), [mayor@idahofallsidaho.gov](mailto:mayor@idahofallsidaho.gov), [dnellis@uidaho.edu](mailto:dnellis@uidaho.edu), [vailarth@isu.edu](mailto:vailarth@isu.edu), [markrudin@boisestate.edu](mailto:markrudin@boisestate.edu)

**Subject:** LINE public comment - NRC/DOE paper on containment flaws that can lead to "catastrophic failure"...

Dear LINE members,

While I see no response from LINE to my documentation and request to correct the Governors' claims we won the "all means all" lawsuit. No mention of plutonium nanoclusters dangers from moving with water. No response on the CERCLA plan that admits it expect cap failure and water is expected to flood the plutonium. That's the acres of billions of loose scattered plutonium particles that will remain 90% buried, while we open new plutonium dumps onsite like ICDF. No report on meltdowns from cyber-terrorism.

So here is another subject to ignore while you volunteer Idaho families for more front line nuclear duty. Please let me know if you don't understand technical terms, like "catastrophic failure.", and I will be happy to

explain what Governor Otter and the INL Sate Oversight team prefers you never hear...Peter Dr. Peter Rickards  
DPM Spokesman for Idaho Families For The Safest Energy

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/contract/cr6906/cr6906.pdf>

find at p 147 or p 166/206 on webpages

#### 4.7 Issues for Future Consideration

##### 4.7.1 Leakage

A great deal has been learned about containment behavior and containment analysis methods in the last two decades of containment research, but questions still remain. **One of the most important behavior questions is that it is not known with certainty whether a leakage failure will reach an equilibrium state or if it will lead to a catastrophic failure.** The arguments for each follow below. SNIPPED FOR SPACE!!!

##### 4.7.2 Other Considerations

**Many aspects of containment integrity have still not been addressed in the various containment integrity research programs.** Some of these topics are listed below:

- The behavior of the containment under elevated temperature and pressure loads has not been thoroughly investigated. Most of the containment tests have ignored the effects of temperature on the material properties and thermal induced stresses associated with elevated temperatures.
- The effect of aerosols within the containment atmosphere during an accident has not been investigated. Aerosols may plug holes in the containment that may lead to a higher pressure capability, but have the potential to change the mode of failure from a possible benign mode to a burst mode. This applies to unlined concrete containments and lined containments when the liner has failed.
- **Seismic loadings coupled with severe accident loads have not been investigated in any detail.**
- Liner-anchorage-concrete interaction is significant in determining how liners tear in concrete containments. These phenomena are still not fully understood. SNIPPED!!!

---

Mr. Robert Skinner 170 Sunny Heights Lane Idaho Falls, ID 83402

(208) 757-7434 [robertskinner@gmail.com](mailto:robertskinner@gmail.com) I have been on nuclear submarines, worked at commercial nuclear power plants and retired from the INL and I want to provide my input to the Line Commission from the technical side of things. I provided oral comments at the Idaho Falls meeting but wanted to follow-up with written comments. First - the Settlement Agreement was a wonderful tool for its time but it is an old tool with outdated language. Technology has changed so do not revisit this document. If necessary forge new documents for conducting advanced research and making new partnerships. Second - I keep hearing about waste stored above the reactor making people think the waste is going to somehow "poison" our aquifer. There is no mechanism for solid waste materials to end up in the aquifer. You could lay a spent fuel element on the ground above the aquifer and the impact on the aquifer could be zero. Solid material cannot move through 500 feet of soil. Third - CWI/BEA have done a great job caring for and operating our facilities at the INL. We need to utilize the facilities/equipment/people/educational capabilities to conduct the nations important nuclear work. Fourth - we need to construct a nuclear power plant in the state of Idaho. There is a group of people who have identified the land, water, transmission lines, zoning and proper place north of and adjacent to the INL. This location would speed up the licensing process greatly to build such a facility. Its power is needed

and could bring more industry into the State. Fifth and lastly - At some point the interested parties DOE, NRC and the Power Industry need to team together to educate the people of this great country. Electricity is needed and its generation needs to be understood by the American people. We have the people, educational facilities and knowhow to formulate such a team to put programs in our schools and communities. Through understanding comes acceptance.

Thanks you for your hard work and I look forward to your final report. If I can provide assistance to the Commission please let me know. Consider me a resource.

Thank You, Bob Skinner

---

**From:** Peter Rickards [<mailto:nifty1@cableone.net>]

**Sent:** Thursday, September 20, 2012 1:02 PM

**To:** [jeffery.sayer@commerce.idaho.gov](mailto:jeffery.sayer@commerce.idaho.gov); Mayor External; [nsmall@shoshonebannocktribes.com](mailto:nsmall@shoshonebannocktribes.com); [dnellis@uidaho.edu](mailto:dnellis@uidaho.edu); [vailarth@isu.edu](mailto:vailarth@isu.edu); [markrudin@boisestate.edu](mailto:markrudin@boisestate.edu)

**Subject:** Is LINE refusing to study cyber-terrorism & plutonium nanoclusters water problems? Fwd: Public Comment To LINE Commission 6/29 meeting- Cyber terrorism & plutonium nanoclusters say NO to more nuclear waste & projects

Dear LINE Commissioners,

I see you are meeting again tomorrow, avoiding any Twin Falls meetings, and returning to Idaho Falls. When I drove to Boise for the June 29 meeting, I asked you to study the severe show-stopping problems of cyber-terrorism and aquifer plutonium contamination from leaving 90% of the plutonium dumped. I asked you to correct the Governor's ongoing claim they won the "all means all" court case. I provided direct quotes from the trial Judge who stated the State of Idaho agreed to leave billions of deadly plutonium particles buried, and allowed new projects to bury more onsite, over our water.

While I see you again loudly inviting public comment, it appears you have no intention of responding to my documented nuclear problems, and no intention of honestly evaluating the serious threat to Idaho children from meltdowns and nuclear waste. Mayor Fuhrman did come over and shake my hand after the meeting, and promised to look into the problems I presented. But I have had no response, and my offer to debate INL in front of you also has been ignored.

Is any report on cyber-terrorism or plutonium nanoclusters coming, or are you just using tax dollars to cheerlead for new projects and more waste?

Please respond...Peter Dr. Peter Rickards DPM Twin Falls

---

From: **Peter Rickards** <[nifty1@cableone.net](mailto:nifty1@cableone.net)>

Date: Thu, Jun 28, 2012 at 2:49 PM

Subject: Public Comment To LINE Commission 6/29 meeting- Cyber terrorism & plutonium nanoclusters say NO to more nuclear waste & projects

To: [jeffery.sayer@commerce.idaho.gov](mailto:jeffery.sayer@commerce.idaho.gov), Butch Otter <[jon.hanian@gov.idaho.gov](mailto:jon.hanian@gov.idaho.gov)>

IDAHO FAMILIES FOR THE SAFEST ENERGY

Dear LINE Commission members,

1) Please consider DOE's Dr Soderholm's work below on how easily plutonium nanoclusters move with water. This totally contradicts the present CERCLA decision that leaves 90 % of the buried plutonium over our water supply. Please recommend Atty Gen Wasden correct the flawed CERCLA decision to leave the near ton of billions of plutonium particles, and open the new plutonium dump, ICDF.

2) Please study the STUXNET worm that destroyed Iran's nuclear infrastructure and centrifuges. As Homeland Security admits, nuclear power plants and the DOE are subject to daily attempts of cyber terrorism. Please recommend that gambling we can stay one cyber-step ahead of foreign enemies and disgruntled employees is a reason to NOT pursue nuclear power. It is best for defense to have widespread wind and other non-meltdown energy sources. Only nuclear power can force the evacuation of Idaho. Idaho is too great to evacuate.

In order not to repeat history, you must understand the broken promise to remove all the buried plutonium. Governor Otter and DEQ have misinformed the public, claiming they won the "ALL means ALL" Court case, and now claiming "INL has constantly followed through on its promises." I will use the Judge's quotes to prove the State KNEW all NEVER meant ALL, and they have intentionally misinformed Idaho families.

In the ultimate "fox guarding the hen house" moment, Idaho's nuclear Oversight Director Burke declared in media, "INL has constantly followed through on its promises." (4/27 -Times-News) That bold re-writing of history is approved by and repeated by Governor Otter. Meanwhile your Commission ponders inviting even more orphaned spent fuel into Idaho, just for the money.

How do Governor Otter and Gallatin lobbyist Cecil Andrus sweep over a ton of loose plutonium particles under Idaho's rug? Why does media allow them to incorrectly declare they succeeded to "get the waste out" and pretend they won the "all means all" legal dispute? This really is not so hard to understand. I quote the Judge's words below to show you what the media has misreported for decades. I quote the details Otter, Batt, and Andrus agreed to, leaving 90% of the billions of plutonium particles dumped, and opening a new plutonium dump onsite.

I detail exactly where DOE avoids the dangers of problems with plutonium colloids moving with water. They actually admit they expect the water barrier cap to fail. They admit they must make up estimates on colloids because they have no real data. They also admit if they removed all our acres of plutonium contaminated waste as promised, it would overflow the WIPP dump in New Mexico. This is not what Idaho was promised, and not what DEQ or politicians admit when they call the new plan "safe," and a "promise kept." I have more details, but here is a short summary of key statements and where to find them...Peter

Dr. Peter Rickards DPM Spokesman for Idaho Families For The Safest Energy 969-0682

ROD <http://ar.inel.gov/images/pdf/200810/2008100100495TUA.pdf> This is the final Record of Decision for the over a ton of scattered buried plutonium particles, billions of particles in each pound.

In response to a public comment doubting the cap over the plutonium will work to stop water, the DOE responds they do NOT expect the barrier to work either! From page 136 or webpage 156/197

"Response: The remedial action objective is to inhibit migration into the vadose zone and aquifer to meet the remediation goal of reducing infiltration to keep aquifer concentrations from exceeding MCLs. Objectives and goals are **so formulated because completely "preventing any water from reaching the waste zone" is neither necessary nor achievable over time.**"

---

Colloids, or microscopic bits of clay can carry plutonium, even in sluggish aquifers. DOE's Dr Kersting found plutonium colloids moved over 1 mile at the slow aquifer at Nevada Test Site in 1997. (In the below document webpage 37/50 "a well-known study at the Nevada Test Site (Kersting et al. 1999) has been frequently cited as evidence for processes that can result in rapid migration of plutonium,".

Here is the INL colloid paper used to superficially address, then dismiss DOE's Dr Kersting and the unknowns of colloids, to avoid a full clean up. Colloids are dismissed, even though the DOE guesses over 80 lbs of scattered plutonium particles will move as colloids! (2.2 lbs per kilogram)  
<http://ar.inel.gov/images/pdf/200405/2004051900569GSJ.pdf> (Pu is short for plutonium)

From Abstract summary Page iii or webpage 3/50

**"As a colloid, particulate PuO<sub>2</sub> could be transported more rapidly than soluble species of plutonium and therefore must be considered in evaluating the potential for groundwater contamination by plutonium."**

Page 1 or webpage 9/50

"Because records of waste shipments to the SDA did not include detailed information about physical and chemical forms of individual waste components, and because direct field data are not available, estimates were derived for these quantities using ancillary information and scientifically defensible methods. Of particular concern is the fraction of plutonium in the form of PuO<sub>2</sub> (plutonium oxide) particles and the potential for this fraction to be mobilized by infiltrating water."

Page 7 or webpage 15/50

## 2.1 Assumptions

A series of engineering estimates were developed because of the absence of direct measurements of colloidal-size plutonium in waste streams sent to the SDA. **Each estimate involves assumptions that affect the final estimate.**

Page 21 or webpage 29/50

**"For the best estimate, a total of 41.87 kg of plutonium is in the transportable particulate range, with 11.29 kg from the 1954-1963 era and 30.58 kg from the 1964-1970 era. For the 95% upper confidence limit, a total of 55.53 kg of plutonium is in the transportable particulate range, with 13.99 kg from the 1954-1963 era and 41.54 kg from the 1964-1970 era."**

Page 26 or webpage 34/50

**"While development of models for predicting colloid transport has progressed, gaps in knowledge make it difficult in this case to apply existing models to the question of PuO<sub>2</sub> transport."**

Feasibility study <http://ar.inel.gov/images/pdf/200706/2007061400254TUA.pdf>

Here is one key reason DOE does not want to remove all the acres of plutonium waste at INL, because it would overfill the New Mexico WIPP facility! From page 4-67 or webpage 278/285

"Currently, WIPP is the only facility that can receive transuranic waste for disposal. Total capacity of WIPP as currently designed is 175,600 m<sup>3</sup> (229,676 yd<sup>3</sup>); **WIPP may not have sufficient capacity to receive 242,000 drums or 50,000 m<sup>3</sup> (66,000 yd<sup>3</sup>) of potentially acceptable waste from the SDA,**

necessitating that Congress modify the WIPP Land Withdrawal Act. In addition, WIPP is expected to be filled to capacity by the year 2034. **The retrieval component of this alternative would last until the year 2037, which could pose a problem if WIPP is filled to capacity by the year 2034.**"

---

Here are the references as I wrote them to Gov Otter & DEQ, who have not replied...Peter

Date: Thu, May 24, 2012 at 10:30 AM

Subject: Request to Governor and DEQ to stop misinforming Idahoans by claiming INL keeps their promises- Please come clean to protect our water from plutonium

To: Butch Otter <[jon.hanian@gov.idaho.gov](mailto:jon.hanian@gov.idaho.gov)>, [rbartlett@gov.idaho.gov](mailto:rbartlett@gov.idaho.gov), [susan.burke@deq.idaho.gov](mailto:susan.burke@deq.idaho.gov)

Cc: [fpriestley@idahofb.org](mailto:fpriestley@idahofb.org), [brad.little@lgo.idaho.gov](mailto:brad.little@lgo.idaho.gov)

Dear Governor Otter and INL Oversight Director Burke,

We wrote to you last September asking you correct the DEQ website claim the new 2008 nuclear deal removed "most" the buried plutonium. Because we documented 90% of the dumped plutonium will remain buried, while you open a new plutonium dump for future projects, DEQ did delete the misleading incorrect wording. Director Burke claimed it was an innocent oversight and even thanked us for pointing out the misinformation.

(Post-Register: 9/30/11) **"The original wording was incorrect because the roughly 7,500 cubic meters of waste that must be removed represents only a small percentage of the disposal area's buried waste."** & "...simply were poor choices of words and not a deliberate attempt to mislead the public, said Susan Burke, the state's INL oversight coordinator. "It was a complete error on our part, and I'm happy (Rickards) pointed it out," Burke said. "There's no intent to put any misinformation out."

<http://www.postregister.com/story.php?accnum=1064-09302011&today=2011-09-30>

However, detailed below, Director Burke is again misinforming the public, claiming **"INL has constantly followed through on its promises."** This needs public correction please, since both INL and Idaho politicians have clearly broken their promises, which we document below quoting the Court ruling. Since the Governor must approve of any Departments media comments, it is clear this lie is what you are directing her to say.

In fact, Governor Otter, to justify your LINE Commission, now considering importing more spent fuel, your Executive Order falsely claims "*binding agreements between the State of Idaho and INL, have guided successful cleanup efforts of legacy waste at the site,*" Found at [http://gov.idaho.gov/mediacenter/execorders/eo12/eo\\_12\\_01.pdf](http://gov.idaho.gov/mediacenter/execorders/eo12/eo_12_01.pdf)

**Please explain why you are claiming you and INL keeps your promises when it is clear from years in Court you are all breaking your promises.**

The 4/27/12 Times-News, (full article below) declared the public now trusts INL, since they keep their promises, stating:

"We delivered on our commitments," Bugger said. "We've done what we've said we would do and that's helped change the attitude."

INL has constantly followed through on its promises, said Susan Burke, INL coordinator for the Idaho Department of Environmental Quality."

The 1995 ad sent to every Idaho household from Lockheed, Batt, Andrus, Otter, and all, claimed the deal would "Say NO to leaving waste over the aquifer" and "Get The Waste Out." In fact, you just repeated your false "get the waste out" claim yesterday in the Couer d'Alene Pres bragging "It was a landmark beginning to a process that culminated in 1995 with Governor Phil Batt's crafting of a historic agreement with the Navy and the U.S. Department of Energy to get the waste out of Idaho." You falsely called this broken promise "a testament to state's rights."

How does "get the waste out" & "ALL means ALL" translate to leaving 90% buried, opening new dumps, and getting praise for keeping promises and being "successful"?

[http://www.cdapress.com/news/local\\_news/article\\_f139f9b4-a52a-11e1-aed3-001a4bcf887a.html](http://www.cdapress.com/news/local_news/article_f139f9b4-a52a-11e1-aed3-001a4bcf887a.html)

This is clearly intentional lying, trying to convince Idahoans that the promise to remove all the cancer causing plutonium, made in 1970, and repeated since 1995, has been kept. This is now clearly so you can welcome new nuclear experiments, like the plutonium-238 production cluster, and full scale nuclear reactors, that will also bury plutonium on site, in this flood zone. The first new dump is called ICDF, and more are planned.

In our September letter, we also asked you to post for the public DOE's Dr. Soderholm's devastating work on how easily plutonium nanoclusters move with water, but that has not been done. Her great work reveals the danger of leaving so much plutonium, yet you continue to ignore this DOE document. To be clear, we share this again below.

[http://www.anl.gov/Media\\_Center/News/2008/news080422.html](http://www.anl.gov/Media_Center/News/2008/news080422.html)

### **Scientists discover how the structure of plutonium nanocluster contaminants increases risk of spreading**

ARGONNE, Ill. (April 22, 2008) — For almost half a century, scientists have struggled with plutonium contamination spreading further in groundwater than expected, increasing the risk of sickness in humans and animals. & "Models have been based on the free-plutonium model, creating discrepancies between what is expected and reality."

---

**Why do you continue to ignore DOE's Dr. Soderholms discoveries, which could be used under the CERCLA law to demand the full removal of ALL plutonium, as promised, and provide over \$13 Billion in Idaho jobs?** That is more job money than the dangerous experiments you prefer, so why not come clean please?

The incorrect news article claimed the Judge ordered "ALL" buried plutonium waste be removed. That is simply NOT true, yet it is misreported repeatedly in Idaho media for over a decade.

Here is the direct quote from the Judge's ruling. He clearly understood Idaho agreed to leave half the buried plutonium by changing the definition of transuranic waste, despite their repeated claims "all means all." **The Judge shows you politicians KNEW "all" NEVER meant ALL. Now YOU are removing only 10% of the buried plutonium, and claiming INL keeps their promises!!!** You are clearly lying, aren't you? Isn't it treason to endanger our children's health, our water, and intentionally misinform Idaho families?

From page 9 of the Court ruling after the Judge read the State negotiation notes:

"In arriving at the definition of transuranic waste, the State sought repeatedly to include alpha low-level waste in the definition.

(Trever, pp. 22, 53-82). Idaho was particularly concerned about alpha low-level waste being removed because of future projects proposed by DOE at INEL which had the potential for alpha low-level waste to be stored at INEL permanently." &

"Late in the negotiations, the State ceded the point and alpha low-level waste was taken out of the final definition thereby removing any obligation upon the United States to remove alpha lowlevel waste from INEL."

So the judge only ordered HALF the buried plutonium waste be removed. You politicians and DEQ have been faking this fight for over a decade. You didn't even enforce removing the HALF you agreed too! 90% of the plutonium will remain buried, while T-N's reports DEQ and INL have kept their promises and everyone now trusts INL. Idahoans are depending on you to tell the truth.

Please respond and please admit you have been intentionally lying to Idaho families about protecting our water. Please use DOE's Dr. Soderholm's work to force the full removal of the legacy plutonium waste that Idaho has been promised for so long.

Sincerely , Dr. Peter Rickards D.P.M.  
Idaho Families For The Safest Energy  
208-969-0682

Chuck Broschius - Executive Director  
Environmental Defense Institute  
<http://www.environmental-defense-institute.org/>  
Troy, Idaho 83871-0220 Phone: 208-835-5407  
Email: [edinst@tds.net](mailto:edinst@tds.net)

Here are the Court's words in full context. See page 9/34 on state ceding and allowing plutonium to remain, and allowing new projects to dump plutonium onsite

[http://www.gpo.gov/fdsys/pkg/USCOURTS-idd-1\\_91-cv-00054/pdf/USCOURTS-idd-1\\_91-cv-00054-0.pdf](http://www.gpo.gov/fdsys/pkg/USCOURTS-idd-1_91-cv-00054/pdf/USCOURTS-idd-1_91-cv-00054-0.pdf)

"a) Drafting History - Alpha Low-Level Waste and Transuranic Waste Definition:

This definition was a contested point in the negotiations. In arriving at the definition of

transuranic waste, the State sought repeatedly to include alpha low-level waste in the definition. (Trever, pp. 22, 53-82). Idaho was particularly concerned about alpha low-level waste being removed because of future projects proposed by DOE at INEL which had the potential for alpha low-level waste to be stored at INEL permanently. (Trever, pp. 22, 55-82, 166-68). This is consistent with Idaho's efforts throughout these negotiations to expand the waste subject to removal from INEL. (Frei, p. 155; Urie, pp. 182-83; Trever, pp. 9-12, 53-82). On the other hand, the United States was insistent that transuranic waste be defined as in the EIS which excluded alpha low-level waste. Late in the negotiations, the State ceded the point and alpha low-level waste was taken out

of the final definition thereby removing any obligation upon the United States to remove alpha lowlevel waste from INEL.

13 (Grumbly, pp. 47-49; Trever, pp. 81).

---

Quoting DEQ stats and the 2008 "new deal" specifics...

From <http://www.deq.idaho.gov/inl-oversight/oversight-agreements/1995-settlement-agreement.aspx>

### **How much nuclear waste was at the INL before the Settlement Agreement was signed?**

According to Idaho's INL Oversight Program, there were 261 metric tons of heavy metal from spent fuel, 65,000 cubic meters of stored transuranic wastes, another 62,000 cubic meters of buried transuranic waste, SNIPPED

---

On page 6/43 at [http://www.deq.idaho.gov/media/550373-implementation\\_agreement\\_2008.pdf](http://www.deq.idaho.gov/media/550373-implementation_agreement_2008.pdf)

#### V. TRANSURANIC RETRIEVAL VOLUME

**A. DOE shall retrieve not less than 6,238 cubic meters of Targeted Waste** from within that portion of the Subsurface Disposal Area identified in Appendix D attached hereto or areas immediately adjacent to those areas within retrieval enclosures constructed pursuant to this Agreement. SNIP

---

[http://magicvalley.com/news/local/state-and-regional/the-public-opinion-tide-is-turning-for-idaho-national-laboratory/article\\_d6e0a035-1710-58ba-815c-a33ef2919be1.html](http://magicvalley.com/news/local/state-and-regional/the-public-opinion-tide-is-turning-for-idaho-national-laboratory/article_d6e0a035-1710-58ba-815c-a33ef2919be1.html)

### **Nuclear Waste Cleanup Continues**

#### **The Public Opinion Tide Is Turning for Idaho National Laboratory Story**

The Public Opinion Tide Is Turning for Idaho National Laboratory

By Kimberlee Kruesi - [kkruesi@magicvalley.com](mailto:kkruesi@magicvalley.com) Magicvalley.com | Posted: Friday, April 27, 2012 2:00 am

At a Glance: INL Cleanup

The Idaho National Laboratory, managed by the U.S. Department of Energy, is now in its 17th year of nuclear waste cleanup following a court settlement with the state of Idaho. A look back:

1995 • Settlement agreement reached between the state of Idaho, U.S. Navy, and DOE that requires DOE to meet certain waste cleanup obligations. Among them: transuranic waste stored at INL must leave the state of Idaho by 2018.

2006 • Amid a dispute over the terms of the agreement, a federal judge rules that the DOE must remove all buried waste from the INL site.

2008 • Due to definition disputes of "all," the state agrees to a new deal that allows DOE to seal and leave in place some waste in specific areas.

2012 • By the end of this year, 900,000 gallons of radioactive liquid waste stored at INL should be treated and removed.

## Mishaps Pause Some INL Progress

The Idaho National Laboratory has attracted headlines this month for another matter — safety issues at its research and development facilities.

About 800 workers at the Materials and Fuels Complex are spending two weeks evaluating mistakes made during two accidents last week. Among them, a 3,000-pound piece of a metal shutter shield fell from a crane near an employee.

The mishaps weren't on the cleanup side, but it has faced its own occasional setbacks. Also last week, retrieval of transuranic waste resumed after a nearly two-year hiatus. The work suspension came in 2010 after about 20 workers were exposed to radioactive waste when a plywood box broke open, though site managers said the doses were below acceptable levels. A new contractor, a consortium led by Babcock and Wilcox and URS Corp., has since taken over the contract for the transuranic waste from former contractor Bechtel BWXT Idaho.

— Wire reports

IDAHO FALLS • As the Idaho National Laboratory prepares to take on another nuclear waste project, officials also hope they're making just as much headway on gaining the public's trust.

Starting next month, contractors at the Idaho National Laboratory will begin treating 900,000 gallons of radioactive liquid waste, then shipping it out of the state. The project is the latest step in a multi-decade effort to remove nuclear waste from INL and the state, laid out in a 1995 court settlement involving the U.S. Department of Energy, the U.S. Navy and Idaho officials.

The liquid waste is currently being stored in underground tanks that were built during the Cold War for spent nuclear fuel reprocessing. The DOE received approval to open a new \$570 million facility to treat the spent fuel, said Rick Craun, the project's federal director.

It matters to residents of the Magic Valley because the tanks are positioned a few hundred feet above the Eastern Snake Plain Aquifer, a major source of southern Idaho drinking water, said Brad Bugger, spokesman for DOE.

"We've never had a leak in those tanks but now that we're no longer reprocessing the spent fuel, we want to get it all out," Bugger said.

The DOE has completed more than 950 milestones tracking the course of the cleanup, including unearthing almost three acres of buried waste and dismantling more than 2 million square feet of buildings contaminated with radioactivity.

There's still quite a bit of waste left to remove, but Bugger said spreading word of INL's current accomplishments helps establish a certain amount of trust among regulators and the public.

"We delivered on our commitments," Bugger said. "We've done what we've said we would do and that's helped change the attitude."

INL has constantly followed through on its promises, said Susan Burke, INL coordinator for the Idaho Department of Environmental Quality. DEQ oversees INL's activities for the state and monitors water and air quality near the facility.

"It just seems logical that you're going to build up confidence with the public if you do what you say you're going to do," she said.

DEQ will always be a regulator first when it comes to INL, Burke said. But she noted the two organizations have moved closer to a partnership.

"I think it's mostly been done in keeping us aware on how it's going over there and what they're thinking on how they're approaching something," Burke said. "There's room for discussion on some things."

Beatrice Brailford from the Snake River Alliance, a nuclear watchdog organization, praised DOE's efforts.

"In the early days of the cleanup, people had some wacky ideas on how to get rid of waste," she said. "But they've remained vigilant in making progress and I'm pretty pleased with that."

[http://magicvalley.com/news/local/state-and-regional/the-public-opinion-tide-is-turning-for-idaho-national-laboratory/article\\_d6e0a035-1710-58ba-815c-a33ef2919be1.html#ixzz1tYmUwcqI](http://magicvalley.com/news/local/state-and-regional/the-public-opinion-tide-is-turning-for-idaho-national-laboratory/article_d6e0a035-1710-58ba-815c-a33ef2919be1.html#ixzz1tYmUwcqI)



**PUBLIC TESTIMONY SUBMITTED VIA LINE COMMISSION WEBSITE  
Week of October 29, 2012**

Mrs. Betty Slifer 3779N 2250E Filer, ID 83328

(208) 326-5030 [slifer@filertel.com](mailto:slifer@filertel.com) Listen to this rural voice:

"I come from farm folk:  
we know about trouble,  
settle near a stream  
in case the well runs dry,  
plant enough to store  
so we'll eat through the winter.  
we learn about the signs of spring  
how to watch the sky.

but the radio says  
all our food jars are poison.  
everywhere, overnight.  
don't touch them at all.  
and the stream only looks clear;  
you can't see the death in it.  
if you drank a cup of it  
you'd rot from inside.

helicopters came,  
people in them wearing space suits.  
they dropped us food pills, books  
on how to stay alive.  
waves on the lakeshore  
slap up with fishbellies.  
evergreen needles  
are turning yellow,  
needles and feathers falling

I hold my head in my hands  
and bring away hair."

Radiation Leak by Jody Alieson

---

Ms. Lisa Stravers 2108 N. 17th St. Boise, ID 87302

(208) 484-6037 [mujerluna7@gmail.com](mailto:mujerluna7@gmail.com) Dear members of the Leadership In Nuclear Energy Commission, as a concerned citizen of Idaho I ask that you refuse to accept more radioactive waste into our great State. The policy in place that recommends waste be stored close to or even on the site that produced it is good business for all involved. It reduces the risk associated with dangerous transport and ensures that those who produce it

have to deal with it, thus informing the system as to its true effects on community health and well-being. Idaho has already taken more than its fair share of this industry's toxicity. Many Idahoans have died and been sickened from nuclear testing and waste. Our lands and our waters sit in jeopardy already. Please ensure that we simply continue to deal with as much safety and precision as we can with the waste we already have in our State and say no to accepting more waste. It's bad business for us and for many generations to come. There is a reason 23 other states have investigated the possibility and said NO. Please keep Idaho and Idahoans safe. Thank you for receiving and considering my comment. Sincerely, Lisa Stravers

---

**From:** Mary Baker <[maryb6638@gmail.com](mailto:maryb6638@gmail.com)>

**Subject: Re: Moscow and Northern Idaho: Keep commercial nuclear waste out of Idaho!**

**Date:** November 13, 2012 8:23:22 PM MST

**To:** [lwoodruff@snakeriveralliance.org](mailto:lwoodruff@snakeriveralliance.org)

We are really disappointed that the meeting is in the middle of the afternoon on a weekday!! For individuals who work this is an impossible time to voice their concerns publically. Why isn't it in the evening?

Keep us posted.

Thanks,

Mary Baker

1334 Ponderosa Drive,

Moscow, Id 83843

208-883-3715

---

June 22, 2012

Mr. Jeff Sayer, Chair  
Leadership in Nuclear Energy Commission  
Idaho Department of Commerce

RECEIVED

JUN 25 2012

IDAHO DEPT. OF COMMERCE

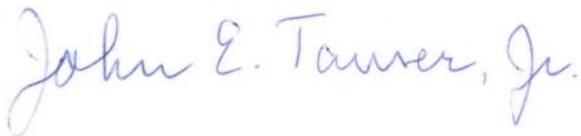
Subject: Testimony for Line Commission

Dear Mr. Sayer:

The 1995 settlement agreement between the State of Idaho, the Department of Energy, and the US Navy has played a vital role in preventing the INL from becoming a *de facto* disposal site for the nation's commercial spent nuclear fuel and waste, while at the same time assisting in the Navy's nuclear propulsion program, the nuclear research programs of the nation's universities, and in the retrieval of highly enriched uranium sent abroad. Idaho already has its share of nuclear waste, and there are much more suitable places for burial of large quantities of it than the Snake River Plain.

On the other hand the acceptance of small amounts of commercial spent fuel for *bona fide* research purposes would not violate the spirit of the settlement agreement, even though some changes would be needed in its wording. We should welcome any such initiative. We assume that those groups doing such research would want the fuel for an indefinite period of time, and kept readily accessible, not buried.

John Tanner, President of Coalition 21

A handwritten signature in blue ink that reads "John E. Tanner, Jr." in a cursive script.

827 Linden Pl.  
Idaho Falls, ID 83401

25 June 2012

RECEIVED

JUN 27 2012

IDAHO DEPT. OF COMMERCE

Mr. Jeff Sayer, Chair  
Leadership in Nuclear Energy Commission  
Idaho Department of Commerce

P.O. Box 83720

Boise, Idaho 83720-0093

Dear Mr. Sayer

As a native and older citizen of Idaho Falls, I have been appreciative of the contributions of INL to Idaho Falls. Because we have nuclear-informed people here, we do not have the fear that seems to drive the media and Snake River Alliance, etc. We feel safe. We also believe that adjustments should be made in the agreement made 17 years ago so that new technology and storage opportunities are seriously discussed.

Lane Allgood is well informed and represents Idaho Falls citizens. His recommendation is as follows:

*in brief*

“It is naïve to think that change to the Settlement Agreement is not necessary after 17 years. We encourage the three parties to the Agreement to review the Agreement annually and determine if adjustments to the Agreement are necessary. If so, then the parties would work towards consensus to make the necessary changes. Formal public involvement is not necessary.”

Thank you.

Sincerely,



Mary Jane Fritzen

*Lane Allgood can present additional information.*

November 27, 2012

RECEIVED

NOV 30 2012

IDAHO DEPT. OF COMMERCE

Jeff Sayer, Chairman  
Leadership in Nuclear Energy Commission  
PO Box 83720  
Boise, Idaho 83720-0093

Dear Chairman Sayer:

As elected officials representing communities in Eastern Idaho, we have become aware of stakeholder interest in securing funding to study the environmental and economic impacts associated with siting an interim storage facility for commercial used nuclear fuel in our region.

We believe that such a facility could potentially provide significant economic benefits – not only to Eastern Idaho, but also to the entire state. We also believe that, at a minimum, we owe it to our constituents to investigate this possibility further.

The recently released Draft Report from the Blue Ribbon Commission on America's Nuclear Future (July 2011) has identified the urgent need for the United States to develop one or more consolidated interim storage facilities as part of an effort to develop a new national strategy for managing the nation's used fuel. The Draft Report also recommends that the siting of such a facility should be *science-based* so that the public can have confidence that all facilities meet rigorous, objective standards of safety and environmental protection.

We concur with the Commission that science must come first in siting any new facilities associated with a new national used fuel management strategy. We also agree with our constituents that a feasibility study, conducted by independent qualified professionals, consisting of an environmental, socioeconomic, and economic analysis should be the first step.

We encourage the State of Idaho to continue the mission of the Leadership in Nuclear Energy Commission through a standing "Nuclear Energy Strategy Group" within the Idaho Department of Commerce. This group would oversee the feasibility study including development of the terms of the study. This group should be comprised of recognized experts from state government, industry, academia, and public policy organizations. Its role would include leading a coordinated effort among local

governments, economic development organizations, and stakeholder groups to identify, and when appropriate, recruit nuclear-energy-related opportunities to our state.

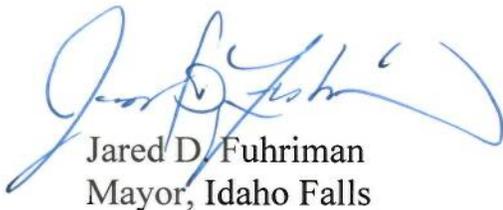
Because this is a business development opportunity, we encourage appropriation of funding for the feasibility study through the Idaho Department of Commerce, with oversight by the State's environmental entity. State oversight would provide state control and the ability to delegate responsibility to many of Idaho's competent professionals.

Should the completed studies identify insurmountable obstacles, the Nuclear Energy Strategy Group would redirect its focus to other potential economic development opportunities. Should the studies indicate that a site in Eastern Idaho could be suitable, the State would continue with further evaluations, which could include factors such as State requirements, site control and management, and an appropriate business model.

We hope the State will not close the door to investigating potential interim storage opportunities. We encourage the State to monitor congressional activity that addresses a new consensual process for siting nuclear material management facilities (such as provided for in Senator Bingaman's Nuclear Waste Administration Act of 2012).

Meanwhile, we will continue to monitor and participate in congressional and DOE activity that addresses the process and potential host community incentives for siting nuclear material management facilities in hopes to ensure Idaho's seat at the table.

Respectfully,



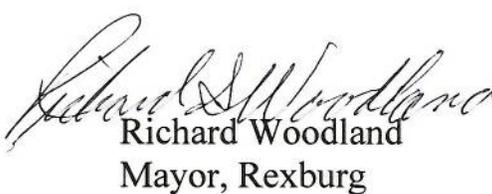
Jared D. Fuhriman  
Mayor, Idaho Falls



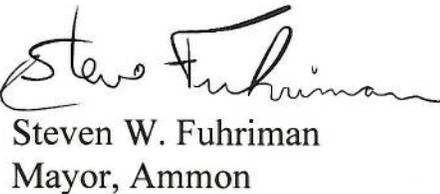
Brian Blad  
Mayor, Pocatello



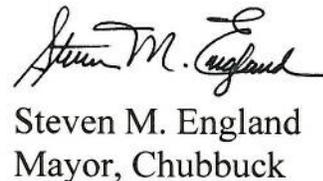
Mike Virtue  
Mayor, Blackfoot



Richard Woodland  
Mayor, Rexburg



Steven W. Fuhriman  
Mayor, Ammon



Steven M. England  
Mayor, Chubbuck

# BINGHAM COUNTY COMMISSIONERS

Cleone Jolley, Chairman

A. Ladd Carter

Whitney Manwaring



Lynette George, Commission Clerk  
501 N. Maple #204  
Blackfoot, ID 83221  
Phone: 782-3013  
Fax: 785-4131

September 21, 2012

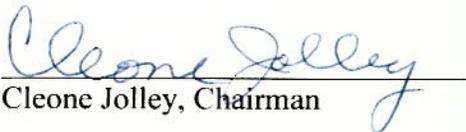
LINE Commission members,

The INL has been an important part of Bingham County for over 50 years. During this time the lab has not only been an important part of our economy but as a partner in building our community. The lab and their employees are involved in every aspect of our county. They are involved in our schools, our businesses, our social networks, our youth programs and all aspects of the community. The lab has worked hard to protect our environment and to do its work in a safe manner. Over the years the lab has listened to our concerns and worked diligently to improve safety in their processes and for their workers. They have also worked to take care of the environment and strived to improve the way they deal with safety and environmental issues as technology advances and better ways are found to deal with these types of issues. The manner and the efforts they have made to clean up and deal with waste issues is an example of this.

We believe that the INL has the capability to be an important part of America's energy future. The facility and its employees are outstanding. It has the ability to continue to be one of the premier nuclear research centers in the world. The labs work in energy production, its expertise in doing work and research safely, and its understanding of protecting the environment is second to none. The research on and the way the INL has dealt with waste issues is notable and the quality of work done on these issue is among the most advanced in the world. We believe the work being done at the INL is critical to America's energy independence and the nation's security. The work being done in regards to nuclear research and protecting the environment, dealing with waste issues, and doing it safely is important to the world.

The Bingham County Commissioners are supportive of the INL and its mission. We feel that within the lab, in collaborative efforts with the private sector both on and off the lab and in conjunction with our state's universities, we can help meet the nation's needs.

Sincerely,

  
Cleone Jolley, Chairman

  
A. Ladd Carter, Commissioner

  
Whitney Manwaring, Commissioner

"Potato Capital"



City of  
**Blackfoot**  
IDAHO

157 North Broadway

Blackfoot, ID 83221

(208) 785-8600

Fax: (208) 785-8602

[www.cityofblackfoot.org](http://www.cityofblackfoot.org)

September 21, 2012

To: The Leadership on Nuclear Energy Commission (LINE)

From: The City of Blackfoot  
Mike Virtue, Mayor

The INL has been an integral part of the economic base of Eastern Idaho for over 60 years and has provided quality jobs for nearly three generations of Idaho residents. Personally, my father was employed at the "Chemical Processing Plant" in the early 1950s' and I spent 24 years of my career at the INL as well.

Many of the City of Blackfoot's residents have been or currently are employed by the contractors at the Laboratory and the Department of Energy. Experience has shown that many of those residents are highly motivated and contribute significantly to community activities by devoting both time and money to the benefit of our region. Many contribute to the United Way, coach little league baseball, grid kids football, soccer and a myriad of other volunteer activities.

The Laboratory Mission has changed over the years but the execution of whatever mission assigned has been performed with professionalism, high regard for safety, and with effectiveness and expediency. The contribution to the nation's energy programs has been outstanding in cooperation with many of the nation's finest Universities and in conjunction with private industry. The Laboratory has exhibited a history of world-class research as reflected by the number of R&D 100 awards presented to its scientists and engineers.

Environmental focus by the Lab has resulted in a significant contribution over the last 20 years and it continues to contribute to research designed to address current as well as future environmental concerns. The Laboratory has been key in the handling, processing and removal of waste streams and has met or exceeded expectations and milestones established.

The cadre of highly educated and trained scientists, engineers, technicians and support staff at the Laboratory along with state-of-the art facilities places the INL and the forefront for support of its mission to “ensure the nation's energy security with safe, competitive, and sustainable energy systems and unique national and homeland security capabilities”.

Nuclear energy will play a critical role in the future of the nation's energy policy and the INL will be at the core of the research required to reach and maintain energy independence.

Sincerely,

A handwritten signature in cursive script that reads "Mike Virtue".

Mike Virtue, Mayor



## Department of Energy

Washington, DC 20585

October 4, 2012

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. John J. Grossenbacher  
President and Laboratory Director  
Battelle Energy Alliance, LLC  
2525 North Fremont Avenue  
Idaho Falls, Idaho 83415-3695

NEA-2012-01

Dear Mr. Grossenbacher:

This letter refers to the U.S. Department of Energy (DOE) Office of Health, Safety and Security's Office of Enforcement and Oversight investigation into the facts and circumstances associated with the August 30, 2011, elevated extremity dose at the Hot Fuel Examination Facility (HFEF) and the November 8, 2011, plutonium contamination at the Zero Power Physics Reactor (ZPPR) facility at the Idaho National Laboratory Materials and Fuels Complex (MFC). The results of the investigation were provided to Battelle Energy Alliance, LLC (BEA) in an investigation report dated June 25, 2012. An enforcement conference was held with BEA representatives on August 3, 2012, to discuss the report's findings and BEA's corrective actions. A summary of the enforcement conference and list of attendees is enclosed.

Based on an evaluation of the evidence in this matter, including information presented during the enforcement conference, DOE has concluded that violations of 10 C.F.R. Part 830 Subpart A, *Quality Assurance Requirements*, and 10 C.F.R. Part 835, *Occupational Radiation Protection*, have occurred. The enclosed Preliminary Notice of Violation (PNOV) cites four Severity Level I violations and one Severity Level III violation, with a total proposed base civil penalty of \$600,000.

DOE considers these events to be of high safety significance. In the HFEF event, the failure to control work resulted in a worker receiving an unplanned extremity dose of nearly 3.6 rem, which occurred 8 months after a precursor event in which two workers received unplanned extremity doses in excess of 9 rem. In the ZPPR event, multiple failures in the work controls used to protect workers from plutonium resulted in the contamination of 16 workers. The magnitude and duration of the uncontrolled plutonium release presented a high potential for an adverse impact on worker safety that could have resulted in an uptake sufficient to exceed the dose limits in 10 C.F.R. Part 835.



Contrary to these requirements, BEA failed to effectively correct known radiological control deficiencies at MFC, as illustrated by the following:

1. On January 3, 2011, BEA identified two workers in the HFEF Fuel Conditioning Facility Manipulator Repair Group who received unplanned doses to their hands from unmonitored beta contamination inside a glovebox. One worker received an elevated extremity dose of 9.98 rem, and the other received a dose of 9.14 rem. BEA determined that the controlling Radiation Work Permit (RWP) had no requirement to monitor for beta radiation. In response to this event and several other radiological work noncompliances, BEA instituted a voluntary suspension of radiological work at MFC in early 2011. All radiological work at MFC was stopped and gradually resumed over a 3-month period as BEA reviewed, modified, and approved work control documents; trained the workforce on the new procedures; and validated readiness. However, these corrective actions were not effective in preventing the elevated extremity dose at HFEF on August 30, 2011, when workers monitored for beta radiation, as required, but then ignored the readings.
2. In May 2011, samples were brought to the HFEF Glove Wall for a radiation survey, which showed an off-scale high dose rate. The samples were returned to the decontamination cell, and the health physics technician (HPT) supervisor was informed of the situation. Subsequently, the HPT supervisor reviewed the RWP used to control the radiological work and noted that it needed to be revised, because it did not have any limits for beta radiation. However, the RWP was not revised.

Title 10 C.F.R. § 830.122(c), *Management/Quality Improvement*, at subsection 4, requires DOE contractors to “[r]eview item characteristics, process implementation, and other quality-related information to identify items, services, and processes needing improvement.”

BEA quality improvement requirements in LRD-13800, section 3.1.4, state that “[i]tem characteristics, process implementation, and other quality-related information shall be reviewed to identify items, services, and processes needing improvement.”

Contrary to these requirements, BEA failed to effectively and comprehensively review quality-related information regarding ZPPR plutonium fuel plates and, as a result, failed to identify necessary process improvements, as illustrated by the following:

3. As documented in a January 18, 2012, DOE accident investigation report, *Plutonium Contamination in the Zero Power Physics Reactor Facility at the Idaho National Laboratory*, historical records of damaged plutonium fuel plates at ZPPR existed in a Suspect Fuel Log maintained before 1991 by a previous contractor. However, this information was not effectively transitioned when responsibility for the MFC was transferred to BEA in 2005, and the Suspect Fuel Log was not used during work planning. After the event, BEA located three separate volumes of the Suspect Fuel Log inside the ZPPR workroom. The Suspect Fuel Log recorded (in log VI.81 on page 000005) that the corner of fuel plate #042-41, stored in clamshell (fuel storage container) 45 M on the day of the event, was swollen, with a discovery date of July 15, 1982.

4. On January 26, 2009, the chairman of the MFC Independent Safety Review Committee (ISRC) provided an informal letter to MFC management outlining past personal experience with ZPPR plutonium fuel plates and offering recommendations for safer handling practices. The MFC ISRC chairman characterized the potential for finding breached plutonium fuel plates in the ZPPR vault as “greater than facility and senior management realize[s]” and recommended having “proper procedures in place, if a failed ZPPR <sup>239</sup>Pu plate is discovered.” However, MFC management took no action to address the increased potential for airborne contamination from a breached plutonium fuel plate.
5. On June 23, 2011, the informal letter was again presented to the newly appointed MFC nuclear operations director by the chairman of the MFC ISRC. Again, no process improvements were identified or put in place to address the increased potential for airborne contamination from a breached plutonium fuel plate.

Collectively, these noncompliances constitute a Severity Level I violation.

Base Civil Penalty -- \$150,000

Proposed Civil Penalty – \$150,000

#### B. Work Processes

Title 10 C.F.R. § 830.122(e), *Performance/Work Processes*, at subsection (1), requires DOE contractors to “[p]erform work consistent with technical standards, administrative controls, and other hazard controls adopted to meet regulatory or contract requirements, using approved instructions, procedures, or other appropriate means.”

BEA requirements for work processes are documented in LRD-13100, *Work Processes*, revision 2. LRD-13100, section 3.1.4 states that “[w]ork shall be performed consistent with technical standards, administrative controls, and hazard controls adopted to meet regulatory or contract requirements using approved instructions, procedures, etc.”

BEA requirements for hazard analysis and control are documented in LRD-14005, *Activity Level Hazard Identification, Analysis and Control*, revision 2. LRD-14005, section 3.1 states that “[w]ork/job activities shall be evaluated to identify and analyze associated hazards and develop controls.”

BEA requirements for timeout and stop-work authority are documented in Laboratory Wide Procedure (LWP)-14002, *Timeout and Stop Work Authority*, revision 4. LWP-14002, section 1 authorizes INL employees to take a timeout and/or stop work for potentially unsafe conditions. LWP-14002, section 6 states that a potentially unsafe condition can exist “when an employee encounters any situation, condition or potential hazard not discussed in briefings, or if any employee has a concern about whether a job can be performed safely.”

For radiological work, BEA requirements for timeout and stop-work authority are documented in LRD-15001, *Radiological Control Manual*, article 751.2, which states that “[u]pon identification of radiological concerns, such as inappropriate work controls or

procedural deficiencies, workers should immediately report the concern to line supervision or the radiological control organization. If appropriate to control individual exposure to radiological hazards, the affected individuals should exit the radiological area until these issues are resolved and appropriate controls have been instituted.”

Contrary to these requirements, BEA issued deficient work control documents and failed to perform work consistent with approved procedures, as illustrated by the following:

1. On August 30, 2011, a survey of an irradiated fuel sample, designated as sample 71T, showed an off-scale high (>50 rem/hour) contact dose rate for beta radiation. Employees stopped work, per LWP-14002, and contacted the acting HPT supervisor, who consulted RWP MFC2011129, *HFEF-Hot Repair Area Glove Wall Operations, HFEF-OI-3150 and HFEF-OI-3152*. The acting HPT supervisor made the decision to continue the work with sample 71T, because RWP MFC2011129 did not have any limit for beta radiation. The hazard presented by the off-scale high contact beta dose rate for sample 71T was not evaluated and controls were not developed as required by LRD-14005. The requirements in RWP MFC2011129 were based on As Low As Reasonably Achievable (ALARA) Review HFEF-2011007, *HFEF-785 Hot Repair Area (HRA) Entries, Cart Room Operations, HRA Glove Wall Activities*, revision 1. HFEF-2011007 includes an evaluation point that was required to be incorporated into RWP MFC2011129. The evaluation point states that for a “[c]ontact exposure rate of >5 R/hr [Roentgen/hour] β-γ [beta-gamma], an HPT may install or direct installation of ALARA shielding, as many times as required. Contact Radiological Engineer to assess effectiveness of ALARA shielding.” However, this evaluation point was not incorporated into RWP MFC2011129, as required by LRD-15001.
2. The acting HPT supervisor then directed workers to transfer sample 71T through the stepout room per RWP MFC2011130, *HFEF-Hot Repair Area Stepout Room to Transfer Items Into Or Out Of The Hot Repair Area, LST-482 & LST-483*, which includes an evaluation point that requires workers to notify facility management if radiation levels exceed 100 millirem per hour at 30 centimeters. This evaluation point was exceeded, but the workers did not review the RWP or notify facility management. Subsequently, an operator transferred sample 71T into a small shielded cask, resulting in a 3.58 rem dose to the operator’s right hand.
3. BEA requirements for briefings are documented in LWP-9201, *Briefings*. As documented in the INL Level 1 Cause Analysis INL/EXT-11-24112, *Causal Analysis for the Unanticipated Extremity Exposure at HFEF, November 2011*, the pre-job briefing for the work at HFEF on August 30, 2011, did not cover the fourth Basic Briefing Element in LWP-9201, item 4.3, “[w]hat could go wrong with the facility, the environment, the equipment, or personnel?”
4. LWP-9201, item 4.6, states that “[a]ll personnel involved in performing the activity shall be briefed.” On September 13, 2011, the pre-job briefing for returning sample 71T to HFEF did not include all personnel performing the work.

With regard to the plutonium contamination event at ZPPR, the work control documents used to package ZPPR plutonium fuel plates were Process Work Sheet (PWS)-34, *Breakout and Packaging of Pu Plates*, used in conjunction with operating instructions EF-OI-007, *9975 Shipping Container Handling*; ZPPR-OI-005, *Nuclear Material Handling*; and ZPPR-OI-010, *ZPPR Fuel Storage Container Handling*. Contrary to these requirements, BEA issued deficient work control documents and failed to perform work consistent with approved procedures, as illustrated by the following:

5. PWS-34, Part 6, *Accountable Material*, step 7, directs workers to perform breakout activities per shift supervisor (SS) direction. PWS-34 did not provide specific directions for processing the clamshells, leading to the creation of work steps without an appropriate hazard analysis or accompanying means of mitigation. During the breakout activities on November 8, 2011, potentially unsafe conditions (i.e., any situation, condition, or potential hazard not discussed in briefings) were encountered on two occasions. On the first occasion, the work group appropriately stopped work after finding atypical labels on two of the clamshells (47 S and 45 M), indicating potential abnormalities in the enclosed plutonium fuel plates. After the work was stopped, the SS consulted with the nuclear facility manager and subsequently directed workers to open clamshell 45 M. The second potentially unsafe condition was encountered when, after opening clamshell 45 M, the workers discovered that the plutonium fuel plate inside (fuel plate #042-41) was wrapped in plastic and tape, presenting a condition that had not been discussed in briefings. No timeout or stop-work was taken to identify and analyze the hazards and develop controls for this potentially unsafe condition, as described in LWP-14002. The SS directed workers to cut the plastic wrapping around the plutonium fuel plate, thereby releasing hazardous plutonium aerosols and exposing visible particles of plutonium that had been hidden underneath the plastic wrapping. Removal of the tape and plastic was not specified in the work instructions.
6. The breakout activities were conducted inside the ZPPR Workroom South Hood, as specified by PWS-34. The ALARA review ZPPR-2011-003, *ZPPR – Plutonium (Pu) Packaging for Shipment*, states on page 4, item 6 that the clamshells would be opened in the fume hood to “prevent the potential spread of contamination.” However, as documented in the BEA investigation and cause analysis report, airflow through the hood was significantly impaired because the exhaust fan for the ZPPR Workroom South Hood was aligned to an out-of-service damper at the time of the plutonium contamination event. There was no requirement to test or validate hood function before performing work.
7. RWP MFC2011415, *Pu Packaging for Shipments*, revision 0, requires that an extra pair of gloves, gauntlets, and a lab coat be worn for hands-on work inside the fume hood. As documented in the BEA investigation and cause analysis report, an HPT reached into the fume hood without wearing a lab coat, gauntlets, or an extra pair of gloves to receive a smear transfer.
8. Operating instruction ZPPR-OI-005 provides instructions for the safe receipt, transfer, and storage of nuclear materials at ZPPR. However, ZPPR-OI-005 provides no specific

instructions on handling plutonium fuel plates and does not address any potential for airborne contamination.

9. Operating instruction ZPPR-OI-010 provides instructions for handling fuel storage containers at ZPPR. However, ZPPR-OI-010 provides no instructions for handling plutonium or for transferring materials from the vault to the hood.

Collectively, these noncompliances constitute a Severity Level I violation.

Base Civil Penalty – \$150,000

Proposed Civil Penalty (as adjusted) – \$112,500

### C. Training

Title 10 C.F.R. § 830.122(b), *Management/Personnel Training and Qualification*, at subsection (1), requires contractors to “[t]rain and qualify personnel to be capable of performing their assigned work.”

BEA requirements for personnel training and qualification are documented in LRD-13020, *Personnel Training and Qualification*, revision 0. LRD-13020, section 3.1.1 states that “[p]ersonnel shall be trained and qualified to be capable of performing assigned work.”

Contrary to these requirements, BEA failed to effectively train personnel to be capable of performing assigned work involving plutonium, as illustrated by the following:

1. As documented in the BEA investigation and cause analysis report, BEA training course MFC00027, *MFC Plutonium Awareness*, does not provide sufficient information on hazards and MFC’s standards and expectations to effectively mitigate plutonium contamination and airborne hazards. MFC00027 is required for HPTs and MFC basic operators, but was not required for all workers who performed the plutonium fuel plate packaging on November 8, 2011, including security and management personnel. Some employees working in the area at the time of the event had no training on plutonium hazards.
2. As documented in the DOE accident investigation report, the Accident Investigation Board concluded that:
  - a. MFC00027 and other training experiences did not inform the workers adequately to alert them to stop working when they encountered the abnormal condition of multiple wraps of plastic and tape after opening the clamshell.
  - b. MFC00027 was not effective in providing the workers with the knowledge needed to recognize that a visible plutonium particle represented a hazard warranting immediate evacuation.

This noncompliance constitutes a Severity Level I violation.

Base Civil Penalty – \$150,000

Proposed Civil Penalty (as adjusted) – \$75,000

#### D. Air Monitoring

Title 10 C.F.R. § 835.403, *Air Monitoring*, at subsection (b) requires that “[r]eal-time air monitoring shall be performed as necessary to detect and provide warning of airborne radioactivity concentrations that warrant immediate action to terminate inhalation of airborne radioactive material.”

BEA requirements for air monitoring are documented in LRD-15001, *Radiological Control Manual*, revision 3, article 555.3, which states, “[c]ontinuous (or real-time) air monitors are used to provide early warning to individuals of events that could lead to substantial unplanned exposures to airborne radioactivity. Such exposures could result from a breakdown of engineered controls or improper establishment of boundaries during work that creates airborne radioactivity. Real-time air monitoring shall be performed as necessary to detect and provide warning of airborne radioactivity concentrations that warrant immediate action to terminate inhalation of airborne radioactive material [see 10 CFR 835.403(b)].”

Contrary to these requirements, BEA failed to perform real-time air monitoring to detect and provide early warning to individuals of events that could lead to substantial unplanned exposures to airborne radioactivity. RWP MFC2011415 states, in *HPT/RCT Instructions*, that “[j]ob specific air sampling is required to open primary containers in fume hood; place air monitor in the breathing zone.” As documented in the BEA investigation and cause analysis report, a portable air sampler was placed near the hood during the breakout activities, but it was not in the breathing zone as required. The portable air sampler was not equipped with an alarm and did not provide any audible or visual warning to personnel when airborne radioactivity was detected. In addition to the portable air sampler, a continuous air monitor (CAM) was positioned near an exhaust vent approximately 15 feet away from the fume hood; this location was also outside the breathing zone. This CAM first alarmed nearly 4 minutes after workers cut the plastic wrapping around the plutonium fuel plate. Employees evacuated the ZPPR workroom upon hearing the CAM alarm.

The failure to perform real-time monitoring and the failure to provide warning of airborne plutonium resulted in the contamination of 16 workers. This uncontrolled exposure had a high potential for an adverse impact on worker safety and could have resulted in sufficient uptake to exceed the dose limits prescribed under 10 C.F.R. § 835.202

This noncompliance constitutes a Severity Level I violation.

Base Civil Penalty – \$150,000

Proposed Civil Penalty (as adjusted) – \$75,000

## E. Recordkeeping

Title 10 C.F.R. § 835.703, *Other Monitoring Records*, requires that “[t]he following information shall be documented and maintained... (a) [r]esults of monitoring for radiation and radioactive material as required by subparts E and L of this part, except for monitoring required by § 835.1102(d).” The exception in 10 C.F.R. § 835.1102(d) applies to the monitoring of “[i]ndividuals exiting contamination, high contamination, or airborne radioactivity areas... for the presence of surface contamination.”

BEA requirements for documenting and maintaining results for monitoring radiation are documented in LRD-15001, *Radiological Control Manual*, article 751.2, which states that records shall be maintained to document “[r]esults of monitoring and surveys for radiation and radioactive materials [see 10 CFR § 835.703(a)].”

Contrary to these requirements, BEA failed to accurately document and maintain results of radiation monitoring. As documented in the INL Level 1 Cause Analysis INL/EXT-11-24112, the survey map (number M-20110830-31) used to record the radiation surveys of irradiated fuel samples on August 30, 2011, did not indicate the off-scale high meter indication for irradiated fuel sample 71T. M-20110830-31 recorded sample 71T as having a corrected beta dose rate of 78.6 rem/hour. Upon discovery by BEA on October 6, 2011, this error was corrected on new survey map number M-20111006-30 to indicate a >50 rem/hour beta-gamma reading for sample 71T.

This noncompliance constitutes a Severity Level III violation.  
Base Civil Penalty – \$15,000  
Proposed Civil Penalty (as adjusted) – \$0

## REPLY

Pursuant to 10 C.F.R. § 820.24(b), BEA is hereby obligated, within 30 calendar days after the date of filing of this Preliminary Notice of Violation (PNOV), to submit a written reply. The reply should be clearly marked as a “Reply to the Preliminary Notice of Violation” and must be signed by the person filing it.

If, in its reply, BEA agrees to comply with the proposed penalty and waives any right to contest this PNOV or the proposed penalty, then, pursuant to 10 C.F.R. § 820.24(d), this PNOV will constitute a Final Order upon the filing of the reply. In such cases and in accordance with 10 C.F.R. § 820.32(c), the total proposed civil penalty of \$412,500 must be remitted within 30 calendar days after the Final Order is filed. Payment of the civil penalty must be made by check, draft, or money order payable to the Treasurer of the United States (Account 891099) and mailed to the address provided below.

If BEA disagrees with any aspect of this PNOV or the proposed remedy, then, as applicable and in accordance with 10 C.F.R. § 820.24(c), the reply shall include: (1) any facts, explanations, and arguments which support a denial that a violation has occurred as alleged; (2) any extenuating circumstances or other reason why the proposed remedy should not be imposed or

should be mitigated; (3) a discussion of the relevant authorities which support the position asserted, including rulings, regulations, interpretations, and previous decisions issued by DOE. In addition, 10 C.F.R. § 820.24(c) requires that the reply include copies of all relevant documents.

Please send the appropriate reply by overnight carrier to the following address:

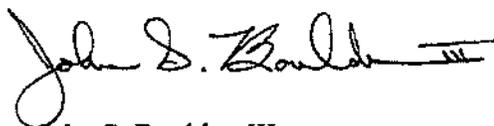
Director, Office of Enforcement and Oversight  
Attention: Office of the Docketing Clerk  
U.S. Department of Energy  
19901 Germantown Road  
Germantown, MD 20874-1290

A copy of the reply should also be sent to the Manager of the DOE Idaho Operations Office.

Pursuant to 10 C.F.R. § 820.33(a), if BEA does not submit a written reply within 30 calendar days after the date of filing of this PNOV, the Director of the Office of Enforcement and Oversight will request that a Default Order be issued against BEA.

#### **CORRECTIVE ACTIONS**

Corrective actions that have been or will be taken to avoid further violations should be delineated with target and completion dates in DOE's Noncompliance Tracking System.



John S. Boulden III  
Director  
Office of Enforcement and Oversight  
Office of Health, Safety and Security

Washington DC  
This 4<sup>th</sup> day of October 2012



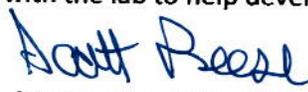
Members of the LINE Commission and Hearing Officials,

The Idaho National Laboratory is a tremendous asset for Bingham County. The economic benefit to the county not only includes good paying jobs but it strengthens our communities job base by diversifying our employment opportunities. The lab also creates economic growth to the area through the businesses that have developed to provide services to the lab. These companies provide construction, logistic support, medical, retail, transportation, recreational, and numerous other services to the lab and give opportunities for private business big and small. Bingham Economic Development Corporation strongly supports the lab and its mission.

We believe that the labs mission of continued advancement of nuclear energy and the enhancement and development of alternate energy sources is critical to the nation's future. BEDC looks forward to working with the lab and partnering with it in developing technology and helping to developed private/public business opportunities. The contributions that the labs efforts make to Bingham counties agricultural industry are sometimes overlooked but they are important. Technology and programs that the INL and organization affiliated with the lab have developed help to advance ways to being more energy efficient, are working to advance bio-diesel and wind technology ,and are finding ways to use many types of technology that are helping the agricultural industry be more productive and keeping cost down.

BEDC also recognizes that the work done at the lab places a strong emphasis on safety. The importance of this to our community is broad based. Those who work there make safety a important part of their work and their families daily routines. These high safety standards are also carried over to the businesses that do work at the INL and their workers. The INL has an strong obligation to protect the environment and they strive ever day to make sure they are good environmental stewards . Over the years we have seen how they work to develop better ways to protect our land, water and air and to improve past and current practices. Bingham Development believes the INL understands and emphasizes that they have no more important duty than to protect the environment.

Bingham Economic Development Corporation supports the Idaho National Laboratory and its mission. We are committed to working with the lab to help develop partnerships and technology that will make our world a better place.

  
Scott Reese, Chairman



Jeff Sayer, Chairman  
Idaho LINE Commission  
C/O Idaho Department of Commerce  
P.O. Box 83720  
Boise, Idaho 83720-0093

Dear Chairman Sayer:

On behalf of Butte County and the communities of the greater Lost River Valley, I would like to publicly express our continued support of the Idaho National Laboratory.

Since its beginning in 1949 as the National Reactor Testing Station, the INL and Butte County's histories have been intimately tied. The City of Arco will forever be known as the First City in the World to be Lit by Atomic Power. Even though this history making connection lasted for only an hour, on July 17, 1955, there are some who even today mistakenly believe that Arco still derives its power from nuclear energy. I am a third generation Arco native and my family has three generations of INL employees. My grandfather who worked in the Radio Alarm Shop during the labs early years; my father who completed his Navy submarine training at the Site then returned 18 years later after his retirement to make Arco his home and work as an INL engineer; to my husband, a veteran Navy SEAL who now provides security at the Naval Reactors Facility. I am proud of this rich heritage and of the importance of the work done at the Idaho National Laboratory.

While Idaho Falls has been the official headquarters of the INL, Butte County plays host to more than 70% of the INL desert reservation. We consider ourselves an INL partner and believe that there is no greater pro-nuclear county in Idaho than Butte County. Our proximity to the facility has long been the predominant economic driver of our small rural communities, providing high quality employment for our area residents. Many retired Navy veterans have chosen to make the Lost River Valley their home after having trained on the Submarine in the Desert at NRF.

Our proximity to the INL reservation has not come without a price. Butte County has worked very hard over the years to balance our support for INL missions with the impacts that being home to more than 600 square miles of federally owned land placed on our local economy. For many years the Butte County Commissioners have publicly worked to ensure that their residents receive the same support provided to other DOE communities across the country.

Because of this, there may be some who questions Butte County's support for the INL. I want to be abundantly clear that Butte County is in full support of the current and future missions of the

P. O. Box 46 • Arco, Idaho 83213 • Phone: (208) 527-5900 • [lred@atcnet.net](mailto:lred@atcnet.net)  
[www.thelostrivervalley.com](http://www.thelostrivervalley.com) • [www.easternidaho.org](http://www.easternidaho.org)

INL and we believe in the INL's long-term viability. We believe that dry cask storage research is a mission centric opportunity for the INL, which we support. Butte County also acknowledges the current need to provide interim storage for orphaned spent fuel, which is a critical national issue affecting all Americans. Butte County is prepared to provide any and all support necessary to appropriately address our nation's challenges.

Butte County also believes that the siting of an interim storage location is a potential economic opportunity that Idaho communities and the State cannot afford to pass up. Additionally, Butte County supports the efforts to conduct further experimentation regarding spent fuels, which is vital to the discovery of future solutions. We endorse the concept of locating commercial research facilities in the Arco desert to utilize and commercialize the world class research capabilities that the INL provides.

The future prosperity of the Idaho National Laboratory is closely tied to the future prosperity of all of eastern Idaho as well as the State as a whole. We thank the members of the LINE Commission for their service and look forward to your recommendations.

Sincerely,



Michelle Holt, Executive Director  
Lost Rivers Economic Development, Inc.

November 15, 2012

Dear Chairman Sayer and respective members of the LINE Commission,

When the topic of Nuclear comes up in any context in Idaho most of us immediately defer to the long history we have with the Idaho National Lab and all things associated with it. We by default believe that this is the only place nuclear work takes place. This subconscious reaction is originated because of the obvious enormity of the facility and the predominate presence that it occupies in our State. This is not the case however; Idaho's nuclear industry is much broader than just the National Lab.

Sometime in the near future we will face the realities of a federal fiscal cliff that we have all read about from other talented writers and well-informed professionals. This fiscal reality will challenge all of us across the country. Those States that have had a balanced budget or who are fortunate enough to be in the black will weather the storm better than those other States that are currently suffering from operating deficits. I believe that now is an appropriate time to look ahead (decades ahead) and begin taking steps that could strengthen our position.

Currently our State receives approximately \$2.3 Billion from the Federal Government in revenues that make up our States budget. This is uniquely close to the amount our State spends on public education which is approximately \$2.2 Billion. Idaho's stakeholders understand the obvious need to invest in education to create a strong workforce for our future. However, through the sometimes emotionally charged effort to reform our education system, we have heard over and over again how we are not in a position to increase the funding. The timing of these educational needs and the looming federal shortfalls ought to be a wakeup call for all of us, whether we are employees of the private sector, public sector or employers. This financial shortfall will affect all citizens of Idaho and at a time when we desperately need an increase.

I believe we have opportunities to correct this situation. Idaho's strong history with nuclear energy gives us some very real and significant business opportunities. These opportunities would leverage our workforce talent and statewide infrastructures that have accumulated in Idaho because of the presence of our National Lab. Engaging in these business opportunities would not only support the National Lab's current mission, but would also help Idaho expand and grow by adding industry, resources, and workforce in Idaho.

The first opportunity would be for us to work towards developing the expertise necessary for our State Universities to participate in the management and operations of our National Lab, similar to what the University of California has done. I believe we have the same opportunity to engage from a State University position that California does. This activity would obviously not take place overnight. Idaho would need time to recruit, hire, and/or develop the expertise to become competent and competitive. Idaho could participate in a program inside of the DOE called a "Mentor/Protégé" relationship. This is a contract opportunity that is designed to develop a worthy entity while supervising, mentoring and developing the new entity until it is capable of future partnerships or has the ability to stand alone.

This effort would obviously take some work and commitment from Idaho's stakeholders, but it would appear that the value of success would certainly justify the effort in this particular case. I wonder how the relationship between the State of Idaho and the DOE would be in the future if we were operating as business partners rather than as the sometimes "Hostile" landlord that we are today. This activity would support Idaho State University's (ISU) current efforts on building its Nuclear Engineering and Research Centers. It would also confirm all the reasons and existence for CAES (Center for Advanced Energy Studies) and the unprecedented collaboration and teaming relationship that the three universities have developed working with the CAES project.

The second and most significant opportunity is the race that other States are in, for the opportunity to host a Fuel Management Facility. The United States has come to a decision point where it will have to decide the future of Commercial Nuclear Fuel and whether we will act on the Blue Ribbon Commission's recommendations. Which are "to establish one or more interim storage sites".

There will always be arguments on both sides of this issue and while the arguments are important the economics of the situation will drive us towards the solution. In today's society using less than 10% of a product and throwing the rest away just doesn't make as much sense as it may have decades ago. There are a couple of positions that you will hear from experts in the industry on why our country does not recycle this material. One is that the technology today does not make it cost effective. The other is there is a significant proliferation issue (the bad guys could get it). These arguments have not changed since the debate began, but the circumstances have changed. The cost of not reducing the waste (up to 75%) by recycling and the fact that North Korea and Iran either already have it or are diligently working to make their own, in my mind trump the original arguments and allow us to not disregard the importance of these points, but to focus on the future and what the economic potential might look like.

Our country today has about 65,000 metric tons of fuel that could be recycled. This material in its shielded packaging and installed in concrete containers would sit on under 1 square mile. To give some perspective, Idaho has approved onsite burial of nuclear waste at the DOE site in the Idaho CERCLA Landfill Facility that is over 630,000 metric tons, above our aquifer, and the INL is more than 890 square miles! This fuel, after being recycled would be capable of producing enough BTU's to power our entire country for over a year and create approximately \$1.6 Trillion in revenue. There is currently \$750 Million being charged to the rate payers annually and being deposited into the Nuclear Waste Fund to solve this problem.

New Mexico seems to be out in front of this race, with Texas, The Savannah River Site and others close behind. This too is in accordance with the Blue Ribbon Commission's recommendations, ("that the siting of nuclear storage facilities be consent based"). New Mexico is asking for all of the material and in exchange it wants all the research dollars as well (read INL).

I believe there might be a location in Idaho that is not over the Aquifer and that has suitable geology and that the technology exists that would allow us to construct a safe and environmentally sound facility. The difference for me? I would not build it at the INL and over our aquifer. I would build it on State Endowment Lands so all of the revenues would go towards our Education System and our universities could manage and operate the facilities, once again generating opportunities and revenues for our State. I would have our State DEQ govern the oversight giving us the opportunity to increase the standards and put in place a rigorous environmental safeguard that would exceed any federal requirement.

State Owned Lands, State Operated with State Oversight.

I think we should ask three questions.

Does it make environmental sense to do this?

Does it make social sense to do this?

Does it make economic sense to do this?

If the answers to these questions are, NO. Then I will face the fiscal cliff, right along with you.

Best regards,



Douglas A. Sayer  
President  
Premier Technology, Inc.

November 27, 2012

RECEIVED

NOV 30 2012

IDAHO DEPT. OF COMMERCE

Jeff Sayer, Chairman  
Leadership in Nuclear Energy Commission  
PO Box 83720  
Boise, Idaho 83720-0093

Dear Chairman Sayer:

As elected officials representing communities in Eastern Idaho, we have become aware of stakeholder interest in securing funding to study the environmental and economic impacts associated with siting an interim storage facility for commercial used nuclear fuel in our region.

We believe that such a facility could potentially provide significant economic benefits – not only to Eastern Idaho, but also to the entire state. We also believe that, at a minimum, we owe it to our constituents to investigate this possibility further.

The recently released Draft Report from the Blue Ribbon Commission on America's Nuclear Future (July 2011) has identified the urgent need for the United States to develop one or more consolidated interim storage facilities as part of an effort to develop a new national strategy for managing the nation's used fuel. The Draft Report also recommends that the siting of such a facility should be *science-based* so that the public can have confidence that all facilities meet rigorous, objective standards of safety and environmental protection.

We concur with the Commission that science must come first in siting any new facilities associated with a new national used fuel management strategy. We also agree with our constituents that a feasibility study, conducted by independent qualified professionals, consisting of an environmental, socioeconomic, and economic analysis should be the first step.

We encourage the State of Idaho to continue the mission of the Leadership in Nuclear Energy Commission through a standing "Nuclear Energy Strategy Group" within the Idaho Department of Commerce. This group would oversee the feasibility study including development of the terms of the study. This group should be comprised of recognized experts from state government, industry, academia, and public policy organizations. Its role would include leading a coordinated effort among local

governments, economic development organizations, and stakeholder groups to identify, and when appropriate, recruit nuclear-energy-related opportunities to our state.

Because this is a business development opportunity, we encourage appropriation of funding for the feasibility study through the Idaho Department of Commerce, with oversight by the State's environmental entity. State oversight would provide state control and the ability to delegate responsibility to many of Idaho's competent professionals.

Should the completed studies identify insurmountable obstacles, the Nuclear Energy Strategy Group would redirect its focus to other potential economic development opportunities. Should the studies indicate that a site in Eastern Idaho could be suitable, the State would continue with further evaluations, which could include factors such as State requirements, site control and management, and an appropriate business model.

We hope the State will not close the door to investigating potential interim storage opportunities. We encourage the State to monitor congressional activity that addresses a new consensual process for siting nuclear material management facilities (such as provided for in Senator Bingaman's Nuclear Waste Administration Act of 2012).

Meanwhile, we will continue to monitor and participate in congressional and DOE activity that addresses the process and potential host community incentives for siting nuclear material management facilities in hopes to ensure Idaho's seat at the table.

Respectfully,



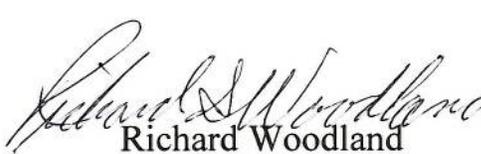
Jared D. Fuhriman  
Mayor, Idaho Falls



Brian Blad  
Mayor, Pocatello



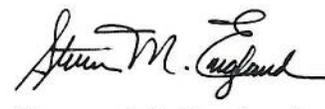
Mike Virtue  
Mayor, Blackfoot



Richard Woodland  
Mayor, Rexburg



Steven W. Fuhriman  
Mayor, Ammon



Steven M. England  
Mayor, Chubbuck