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YUCCA MOUNTAIN : WATER INFILTRATION DOCUMENTS FALSIFIED. WESTERN SHOSHONE NATIONAL COUNCIL FILED LAWSUIT

On March 16, the U.S Geological Survey and the U.S. Department of Energy have announced that in 1998, USGS scientists were falsifying documents about water infiltration and climate at the proposed high level nuclear waste dump at Yucca Mountain.. Meanwhile the Western Shoshone National Council filed a lawsuit because Yucca Mountain is an area long held as significant to the Western Shoshone Nation and included within the boundaries of the 1863 Treaty of Ruby Valley.

(624.5666) NIRS - At the very same time that over 200 environmental and public interest organizations were petitioning DOE to disqualify the Yucca Mountain site from any further consideration as a high-level radioactive waste dump due to the fast flow rate of water through the site in 1998, scientists were falsifying documents about water infiltration.

Environmental groups again call upon DOE to do what it should have done in 1998 - disqualify the earthquake-plagued, geologically-fractured, leaky Yucca Mountain site from any further consideration as the national nuclear waste dump.

In 1996 and 1997, DOE discovered the radioactive isotope chlorine-36 at unnaturally high concentrations deep in the heart of Yucca Mountain. The only explanation for this was that sea water, radioactively activated by nuclear bomb blasts in the South Pacific starting the 1940's and 1950's, had traveled with the weather, fallen as rain on Yucca, and percolated down 800 feet deep through the fractured geology to the proposed repository depth in less than 50 years. This was a clear violation of DOE's own "Site Suitability Guidelines," which clearly stated that if rainwater flows through a potential repository site and back out into the accessible environment in less than 1,000 years, the site must be disqualified from any further consideration.

Thus, in November and December of 1998, NIRS and over 200 environmental and public interest organizations petitioned DOE to disqualify the Yucca Mountain based on DOE's own "Site Suitability Guidelines." The Nuclear Waste Policy Act clearly stated that should a potential repository site be disqualified for violating DOE's Site Suitability Guidelines, the Secretary of Energy shall simply report the disqualification to the President and Congress so that next steps could then be considered.

However, instead of disqualifying the Yucca, DOE responded to the petition by saying it needed more time to study the site. But in late 2001, less than a month before Energy Secretary Spencer Abraham notified Nevada Governor Kenny Guinn that he intended to recommend Yucca as suitable for a repository to George W. Bush, DOE simply removed its 17-year-old (1984 to 2001) Site Suitability Guidelines

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from its books. DOE has time and time again changed the rules in the middle of the game to keep the geologically unsuitable site alive. In this case, because Yucca couldn't satisfy the safety, health and environmental standards, DOE simply eliminated them.

Now it appears that at the very same time that the national environmental and public interest movement was petitioning DOE to disqualify the Yucca site due to the fast flow rate of water at the site, USGS scientists were falsifying documents about water infiltration into Yucca, as well as climate documents. This is especially scandalous because Yucca could become much more wet over time than it is now due to climate change, so the issue of water infiltration could become much more significant to environmental protection over time.

In order to protect public health and safety, environmental organisations urge Energy Secretary Samuel Bodman to do the right thing and disqualify Yucca Mountain from any further consideration as the national high-level radioactive waste dump.

Western Shoshone

On March 4, the Western Shoshone National Council filed a lawsuit in the federal district court in Las Vegas, Nevada. The complaint, which lists the United States, and the Secretaries of the Departments of Energy and Interior as defendants, seeks declaratory and injunctive relief to prevent high-level radioactive waste storage and burial at Yucca Mountain. Yucca is an area long held as significant to the Western Shoshone Nation and included within the boundaries of the 1863 Treaty of Ruby Valley. A hearing could be scheduled by the court as early as the end of March.

Western Shoshone National Council Chief Raymond Yowell delivered the following statement on the court house steps.

"The Western Shoshone National Council (WSNC) has filed this lawsuit against the plan of the United States Department of Energy to make Yucca Mountain the dump for nuclear waste from the United States (…). Yucca Mountain is located in the Territory of the Western Shoshone Nation, as described in Article 5 of the 1863 Treaty of Peace and Friendship entered into between the Western Shoshone Nation and the United States, at Baa Gaa Zoo also now called Ruby Valley, Nevada..

Article 6 of the U. S. Constitution states that "(T)reaties are the supreme law of the land." This Treaty, then, overrides all other U.S. laws. Under the Treaty, there were five uses which the United States of America and the Western Shoshone Nation agreed could occur on Western Shoshone Territory. Those five uses are the establishment of (1) settlements, (2) mines, and (3) ranches, and the construction of a (4) railroad, and of (5) roads.

The agent of the United States of America who negotiated and signed the Treaty, the United States Congress which ratified the Treaty, and the Western Shoshone Nation all agreed that those were the only five uses which would ever occur on Western Shoshone Territory. If any other uses are contemplated, they can not occur unless the Treaty is modified by the consent of both the Western Shoshone Nation and the United States.

All across this country, U.S. Federal District Courts have found that Treaties with the Indian Nations remain in full force and effect as binding contracts. The Western Shoshone Nation has always abided by the Treaty and regarded the Treaty as a binding, enforceable agreement between the Nation and the United States. We seek by this lawsuit to have the Treaty of Ruby Valley enforced to stop this project which threatens to desecrate our sacred lands. The Western Shoshone Nation does not consent to the use of Yucca Mountain as a dump for the most toxic substance ever created by man."

Sources: NIRS Press statement, 16 March, 2005: Western Shoshone National Council statement, 4 March 2005

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DEATH THREATS AGAINST BELENE OPPONENT; DEBATE AROUND NPP DECISION HEATS UP

The discussion on the building of the Belene nuclear power plant in Bulgaria got in the end of February an unexpected spin, when long year Belene opponent and Goldman Environmental Award winner Albena Simeonova received a death threat. The personally delivered threat followed several anonymous ones over telephone and two year campaign by Simeonova to stop the plans to build two new reactors.

(624.5667) WISE/NIRS Brno -

Simeonova is one of the largest organic farmers in Bulgaria and her fields near the town of Nikopol all fall within the 30 km zone of the planned NPP Belene. One of the first members of Ekoglasnost / Friends of the Earth Bulgaria, and founder of the Bulgarian Green Party, Simeonova was one of the key people to stop the Belene project in the beginning of the 1990s. When the project was restarted in 2002, she started organising regional opposition as well as involving international organisations as Greenpeace, WISE/NIRS and the environmental lawyers network ELAW and joined the national Bulgarian BeleNE coalition.

25 YEARS AGO

What happened 25 years ago? We go back to news from our 1980 WISE Bulletin*, comparing anti-nuclear news then and now.*

Then

In WISE Bulletin vol. 2 nr. 2 we wrote about a demand for a debate in the former German Democratic Republc (GDR): "The Synode of the protestant church of Mecklenburg in East Germany has demanded a public debate 'on the possibilities and dangers of the peaceful use of nuclear power' ". (*WISE Bulletin* vol. 2 nr. 2, January/February 1980)

Now

The first nuclear power reactor had started operation in 1973 at Greifswald. Four more reactors were operated at Greifswald and one at Rheinsberg. The Greifswald reactors were of the Soviet VVER design, four VVER 440-230s and one VVER 440-213. In addition, three VVER 440-213s were also under construction at Greifswald and another two VVER 1000-320s at Stendal. In 1990, following reunification of East and West Germany, all the reactors were temporarily closed and construction suspended to allow detailed analysis of the safety problems. As a result, the first four reactors at Greifswald were permanently closed.

The German safety agency then put forward proposals for Greifswald 5 (the VVER 440-213) and Stendal, should these reactors be awarded an operating license. Consequently, these reactors were abandoned as the utility felt it was not economic for them to bring them up to German safety standards. At Greifswald the upgrading of a 213 model reactor was expected to amount to between DM500 million and DM2 billion (1991 equivalent - US$277 - 1.100 million). (*Agenda 2000 and the Implications for Nuclear Safety*; A. Froggatt and M. Weltin, March 1998)

After the end of World War II, the Soviets started mining of uranium in the GDR. Subsequently, the Wismut company started mining in the Southern part of the country. Information on this huge operation was not publicly accessible until the environmental activist Michael Beleites published his famous underground report (Pitchblend - Uranium Mining in the GDR and its Impacts; in German) in 1988. With the political changes in 1989, it came to light that large areas had been devastated. With the unification of Germany in 1990, uranium production was terminated. (WISE Uranium, www.antenna.nl/wise/uranium/uwis.html)

The GDR used to dump low-level waste in the Morsleben salt dome. The dome is under threat of flooding and collapse. Because of this and other factors, the German government decided in May 2000 to stop dumping waste in Morsleben. (*WISE News Communique* 555, 5 October 2001)

The threats were passed on by the director of a local wine company, part of the Varna registered TIM group which allegedly was promised contracts for security work and supplies for Belene.

A solidarity action launched by local Bulgarian organizations, Greenpeace, WISE/NIRS, Bankwatch, Friends of the Earth Europe, ELAW and the European Greens caused a wave of over 2000 letters and e-mail messages to Bulgarian's Prime Minister Simeon Saxe-Coburg, the Ministers of Interior and Energy and the President of the Bulgarian parliament. The petitioners demanded safety guarantees for Simeonova and guarantees that the decision procedure on Belene would be freed from manipulations. In addition, WISE/NIRS and Greenpeace asked support from the local authorities in Nikopol.

The call for support for Simeonova was picked up by alternative media world-wide, many of the petitions coming from countries that have known themselves manipulations by the nuclear lobby like Japan and Spain. In Bulgaria, the news of the threat caused a wave of media attention and gave a new impulse to the debate on the necessity of the Belene project.

Because the Bulgarian authorities feared for the image of this EU accession state, they directly contacted Simeonova and set up some measures to protect her from possible attacks. Local solidarity has helped to stabilize the situation. Nevertheless, Simeonova received one more threat, be it this time not any longer on her life, but rather on her organic farm.

In the mean time, Bulgarian authorities stepped up their lobbying campaign for support of Belene. Belene promotor Milkos Kovachev was promoted from Energy Minister to Minister of Economic Affairs. The Bulgarian Foreign Minister Solomon Passi visited Vienna and received a supporting statement from IAEA secretary general ElBaradei, that was strongly pushed in Bulgarian and international business media. He was confronted with the news of the threat on Mrs. Simeonova during his following lobby visit to the European Parliament in Strasbourg. In a reaction on the negative publicity this caused,

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Energy Minister Miroslav Sevlievski visited the IMF delegation in Bulgaria to get another supportive statement for the project. This in spite of the fact that neither the IAEA has any mandate on energy policy, nor that the IMF has any mandate to finance nuclear power.

Sevlievski's ministry is expected to come with a new proposal for a decision on Belene after a court hearing on the decision procedures, filed by Ekoglasnost, WISE/NIRS and Greenpeace on April 4th.

Several more court complaints have been raised by different Bulgarian and international organisations and individuals on the validity of the Environmental Impact Assessment approval by the Ministry of Environment in the last days of December 2004. Complaints include procedural questions as manipulations of hearings, insufficient availability of information and others, as well as complaints concerning the content of the EIA report and the Ministers decision.

In an attempt to squelch the wave of complaints, the authorities tried to remove Greenpeace from the procedure on far fetched formal grounds, but a resulting appeal only will add extra delays and most probably re-installment of Greenpeace as complainant.

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SWEDEN: BARSEBÄCK SHUTDOWN CONTESTED IN COURT

On 16th December last year the Swedish Government announced that the second and only remaining reactor at Barsebäck (600 MW), across The Sound and only 20 km (13 miles) from Copenhagen, would be closed by the end of May 2005. The first reactor at Barsebäck was shut down in November 1999.

(624.5668) WISE Sweden - Although all of Denmark and many Swedes have demanded closure of "BB2" for years, the announcement came somewhat unexpectedly. The Government has on at least three earlier occasions said the reactor would be closed within specified time frames — but never followed through (see also NM 617.5643: *Sweden: Barsebäck to shut down in 2005*?). Barsebäck 2 (like its former sister reactor) is among Sweden's oldest and smallest. It is also one of the "dirtiest".

The Government is empowered to take the decision by the "Law on Nuclear Phase-Out" (Lagen (1997:1320) om kärnkraftsavveckling) from 1997. The Parliamentary foundation is a tri-party agreement on nuclear phase-out between the ruling Social-Democrats, the Left Party and non-socialist Center in 1999, as renewed in October 2004.

Newly appointed Minister of Sustainable Development Mona Sahlin called the decision "an important step in [Sweden's] conversion to environmental sustainability" and recalled the national referendum of 1980, in which nearly 80 per cent supported the idea of "putting an end to the nuclear parenthesis".

With the announcement Sweden recessed into the holiday season. But on 19th January, the Municipality of Kävlinge, in which the Barsebäck reactor is located, contested the decision, filing a complaint with the Supreme Administrative Court (Regeringsrätten), which is charged to oversee government policy.

The Swedish Environmental Code (in accordance with EU law) requires that any hazardous project or project that may be expected to have environmental impacts must be preceded by an EIA (environmental impact assessment). The decision to shut down BB2 falls into the second category, Kävlinge argues, inasmuch as the 600-odd MW electricity that BB2 produces will have to be replaced, most probably by Danish coal-fired generators, they contend.

The Government had foreseen the argument in its announcement last December, which argued that no EIA would be necessary, either on the part of the state or the reactor owner: "Current regulations require an EIA only when an operator takes measures that exceed the bounds of the operator's license. The license to operate [the Barsebäck reactor] provides for the discontinuation of energy production for whatever reason."

The decision to shut down Barsebäck 1 was taken before the Environmental Code took effect.

The Court ducks

The Court responded to Kävlinge's complaint March 1st. The response was somewhat disappointing to all concerned in that it skirted the substance of the complaint, instead dismissing the complaint on a technicality. "Parties" in the sense of the law (1997:1320) are individual citizens or legal persons, the Court ruled; a municipality cannot approach the court under the law.

The Mayor of Kävlinge finds the ruling remarkable in that the Municipality would most definitely be a "party" in the EIA proceedings under the Environmental Code, had proceedings been held.

Only days later the complaint was filed again, this time by the mayor and two other members of the municipal council. Later in the week, several residents of the community joined the fray. The Court may in fact receive dozens of complaints, as the Municipality has urged the public to file before the deadline, 16th March.

Should the Court once again find for the Government, Kävlinge plans to

appeal to the European Court of Justice. The municipality is fighting for its economic survival. In the words of Mayor Roland Palmqvist: "Closing the plant would mean that we lose a high-tech place of employment that generates a lot of revenue. It means a lot to the local economy." Attracting new investment to the site of a nuclear plant under decommissioning might indeed prove difficult.

Not a blink

In late February, the Swedish Radiation Protection Authority (SSI) issued a press release in which they emphasize that safety regulations continue to apply even after the decision to take the reactor off line and into the decommissioning phase. Moreover, SSI will be particularly attentive to the operator's adherence to regulations in coming months. The authority has also asked the operator, Barsebäckskraft AB (BKAB), a subsidiary of Vattenfall and Sydkraft/ E.On, to submit its plan for decommissioning the reactor no later than 15th May.

New billions on their way?

On March 10, the Ministry of Sustainable Development announced the appointment of the Government's negotiator in the matter of compensation to BKAB's owners. The agreement reached in 1999 concerning BB1 resulted in the award of SEK 6 billion (US$906 million or 677 million Euro in current rates) to Sydkraft and Vattenfall. Although the ownership structure has changed since then, compensation for the second reactor will be calculated according "the same basic principles", in the words of the Ministry press release.

Sources: Ministry of Environment, press release, 16 December 2004; Swedish Radiation Protection Authority, web news, 24 February 2005, www.ssi.se ; Ministry of Sustainable Development, press release, 10 March 2005; Sydsvenska Dagbladet, web edition, 7 March 2005, www.sydsvenskan.se ; REALTID.SE (web news service, Spray), 7 March 2005.

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MOBILIZATION AGAINST FOOD IRRADIATION IN FRANCE

In France, March 5 was announced as a nation-wide campaigning day against food irradiation. Over 300 people gathered in front of the six food irradiation facilities based in the country to protest against this dubious technology.

(624.5669) Public Citizen Belgium - Food irradiation is the process by which food is exposed to high doses of X-rays or gamma rays (produced by Cobalt 60 or Cesium 137). Irradiation kills bacteria and extends the shelf life of food, but it also destroys vitamins and creates new chemical compounds, some of which are suspected to promote cancer and to cause genetic diseases.

In the EU, only dried herbs and spices are allowed for irradiation, but some states, including France, the Netherlands and Belgium, have received exemptions from this law for products such as frog legs, onions, garlic, shrimp, chicken, grains or even some fruits and vegetables. Since 1999, all irradiated food has to be labelled with the phrase "Treated with ionization". However a report by the European Commission has shown that, on over 5000 controlled food samples, 2.7% were irradiated and yet unlabelled.

A wide range of organisations, from farmers unions to consumer organizations and environmental associations, have joined to denounce food irradiation and the lack of information around it. The movement is engaged in a nation-wide campaign which aims at informing citizens and putting pressure politicians to ban food irradiation. We ask for comprehensive enquiries on irradiated food sold in France and for immediate removal of all unlabelled irradiated food from the market.

Consumers, when informed, are in the great majority opposed to food irradiation. After the mad cow and foot and mouth diseases, people want more than ever to know where their food comes from and how it has been

Food Irradiation Tour Melbourne

Anti nuclear activists in Australia held a Food Irradiation Tour in Melbourne on Nov. 15. There were a number of activities aimed at public awareness about this technology. Larger-than-life "fruit and vegetables" handed out information leaflets; in the afternoon meetings were organized which had a fantastic turn out and a speakers lunch took place.

While the focus of the tour and campaign was on the effect of irradiation on food, it is vital to remember that food irradiation encourages the proliferation of nuclear technology. Cobalt-60 is manufactured in a nuclear reactor and is highly radioactive. Irradiation plant workers are exposed to radiation hazards and several have died or been exposed to near-fatal doses at facilities throughout the world. (e.g. El Salvador, Italy, Norway, Israel). There have been many incidents where waste has got out of the facilities sometimes in the trash, sewers or adjacent properties. The dangers to the health of workers, the public and the environment posed by the use of radioactive materials are many. Irradiation is another unsafe, unnecessary element in the nuclear fuel cycle.

FOE Melbourne Newsletter, (southern hemisphere) summer 2005 and Laka-archives

produced. This can only be achieved if food is produced locally. Food irradiation does the exact opposite. It is meant to support mass food production, a system where contamination becomes the norm, thus requiring decontamination through irradiation. It supports the globalization of food supply, that is the export of fresh food from one part of the world where labor is cheap and environmental regulations low to another where it is not considered "competitive" anymore to produce food.

No wonder the number of irradiation facilities in developing countries is growing so fast, particularly in countries like India, Brazil or Thailand which export great amounts of food. There is a strong feeling that this kind of technology, just like genetic engineering, benefits a handful of greedy transnational companies to the detriment of all citizens, workers and consumers.

Mobilisation against food irradiation already proved to be effective. In 2003 the inhabitants of Noiron sous Gevrey, a small village near Dijon, strongly opposed the opening of a new food irradiation facility. As a result the company, Isotron, finally removed its project. The demonstrations on March 5 are an encouraging step in our struggle.

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"PUBLIC" HEARINGS BECOMING SECRET SHAMS IN GEORGE BUSH'S AMERICA

One distinguishing feature of the U.S. nuclear regulatory scheme was that the public could take a meaningful role in the licensing of nuclear facilities, and sometimes even in major operational changes that would require license amendments that could trigger public hearings. Members of the public could challenge the issuance of reactor licenses at the beginning of the process, before construction started, and they could also challenge the quality of the construction and whether or not the completed reactor should be allowed to operate.

(624.5670) NIRS - These proceedings were adversarial and offered the participants legal protections and rights, including the opportunity to obtain necessary documents from the license applicants and the Nuclear Regulatory Commission (NRC) itself, to make those documents public, and to publicly cross-examine witnesses.

Despite this, it was an imperfect process that was usually long and expensive, rarely resulted in clear-cut victories, and, with outgunned grassroots groups normally going up against both the utility applicant and NRC staff, often resulted in frustration.

Still it was a real process, and whatever the shortcomings, it often served to expose critical information about construction flaws, plans utilities sought to keep secret, accident consequences and more into the public domain. Public hearings and other legal actions played a major role in ensuring that reactors like Shoreham, Zimmer, Marble Hill and Midland never operated or were cancelled before completion.

And overseas, the NRC hearing process was often used as a benchmark for existing licensing procedures and paved the way for greater transparency in licensing processes in some countries.

The changes began in the late 1980s when the nuclear power industry, disgruntled with the public's role in the process and angered by revelations of shoddy construction often revealed by effective public involvement, prevailed on the NRC to ban public hearings after an initial construction permit had been granted.

Then when Yankee Rowe, the first reactor to go through the NRC's relicensing process, was permanently closed instead of having its license renewed the industry complained again and NRC responded by declaring almost all relevant safety issues (including issues like where to put the reactor's radioactive waste) "generic" - meaning that they applied to all relicensing decisions and thus could not be brought up in any of them.

Next, NRC made it near impossible to challenge the construction of dry casks for high-level radioactive waste by asserting that once it had approved a cask design, no public hearings were necessary.

Finally, after a small citizens group in Louisiana successfully stopped the proposed Louisiana Energy Services (LES) uranium enrichment plant on numerous grounds—such as the owner not being financially qualified to build or run the plant and overt environmental racism—the NRC overhauled its procedures to sharply limit the public's ability to use legal protections such as discovery and cross-examination in licensing matters.

Public Citizen and NIRS took the NRC to court over this rule change and in December 2004, while losing on the issue of whether the NRC had the authority to make the change, won judicial language that such protections must be used when necessary.

All of these moves took the NRC more than a decade to institute, and represent the erosion of public rights and involvement that those not directly involved have yet to grasp. And, even so, NIRS, Public Citizen and various regional and local grassroots groups are currently involved in major and expensive interventions against three utilities seeking Early Site Permits for new reactors and against the latest incarnation of the LES

project, in New Mexico (See also *WISE/NIRS Nuclear Monitor* 614.5632 "New Mexico: LES Licensing Hearings").

In George W. Bush's increasingly paranoid, rigid and repressive America, the enemy is not just made up of phantom terrorists but also the American people. The answer is to "protect" the American people by preventing us from obtaining information about hazardous facilities in our neighborhoods, by requiring people seeking to participate in "public" hearings to sign gag orders (legal requirements that forbid people from publicly disclosing "protected" information used in "public" hearings) to avoid the possible disclosure of any information that might in any slight way be helpful to "them", and by keeping secret anything that might scare us into not accepting a new nuclear facility.

The latest blow came in October, when the television network NBC used documents available on the NRC's website to walk, with cameras, into a part of a medical facility that contained a small amount of radioactive material. Well if NBC can do that, so could Osama Bin Laden! NRC immediately shut down almost all access to its website and to documents about nuclear facilities in general.

Of course, such documents had been publicly available for decades with no apparent harm to the American reality or psyche. It is hard to imagine that either NBC or Osama would have been able to actually leave the premises with any radioactive material, or what either could actually do with the material other than contaminating themselves.

But, as a pretext, it was perfect. Not only could the NRC remove all access to its information but when it began reviewing the information available and making it accessible again, the result was "redacted" information - in other words, NRC excluded everything it prefers to keep hidden from the prying public. Furthermore, NRC could use the terrible threat of further embarrassing exposure by television networks (after all, posting an online map of how to obtain radioactive material was not ever a smart move) to keep the public from ever learning anything it decides is not in the public interest, or, more precisely, not in the nuclear industry's interest.

As a solution to the thorny problem of what to do about public hearings, discovery of documents and more, the NRC came up with a simple solution - make all that secret too! So, in subsequent proceedings the NRC will require that members of the public sign "protective", or gag, orders. If a group involved in a license proceeding sees a non-redacted version of a document, usually essential to the case, it cannot make that information public, at risk of jail. If members of the public attend a hearing where an issue related to a "redacted" document emerges, then the room is cleared. How many people will attend hearings if asked to leave every few minutes?

The original versions of NRC documents are usually the relevant ones whereas the "redacted" versions rarely contain any useful information. An additional ploy to discourage public participation perhaps?

In the LES case currently being pursued by NIRS/Public Citizen, all or substantial sections of more than 60 documents have been declared off-limits to the general public, including the entire case file to the original LES hearing, which ended in 1998 without apparent threat to the American heartland, but with a traumatic outcome for LES in its license denial.

If these documents come up during the public hearing, NIRS/Public Citizen staff will have to leave the room since we both refuse to sign "protective orders" (although, to keep the case going during appeals, our attorney and experts have signed them).

These documents are not just about security plans, advanced enrichment technology and other matters that are genuinely secret—as activists have pointed out for decades, accepting nuclear power means accepting a national security state—there are materials involved in most nuclear projects that are, and should remain, secret, no one disputes that.

But in the LES case for example, the NRC withdrew its Draft Environmental Impact Statement and substituted it with a new version. The major difference between the two? The new version does not include the required discussion on accident sequences and the consequences for the local area. Could terrorists really use such a discussion to attack a facility?

Probably not, especially if there is actual, rather than pretend, security at the plant. If that is the case, it could be argued that maybe the plant is too dangerous to build. What is clear is that the people who lose are the residents of eastern New Mexico/West Texas, who now cannot learn what this facility to be built in their midst could actually do to them.

LES is not the only example; nearly the entire proceeding pitting the State of Utah against the proposed Private Fuel Storage high-level waste parking lot was secret. So is the Blue Ridge Environmental Defense League's challenge against the use of MOX fuel in the Carolinas. The NRC recently announced a new policy about access to classified information for the upcoming Yucca Mountain proceeding, for which public interest groups have demanded clarification, since it appears that it is intended to prevent public access to anything concerning the Yucca proceeding that the government would prefer to keep under wraps.

And, given the current climate, any challenges to nuclear facilities that might prove effective or that might reveal what the nuclear power industry prefers to hide—that you are more likely to be killed by their operations than by terrorists—will become increasingly impossible.

One rational response to the very real possibility that terrorists, rogue nations or other enemies of the hour are targeting nuclear facilities would

be to close those facilities and find better means of attaining the same goals. But George W. Bush has already announced his support for the construction of dozens of new nuclear reactors that would add new targets across the country instead of reducing the threat. Apparently effectively addressing the security threat would be too rational.

Instead, in George W. Bush's America, a compliant NRC and an aggressive nuclear power industry, concerned only with its own well-being, have conspired to create a situation where the American people will be left in the dark, unable to challenge nuclear facilities, unable even to learn what the potential impacts of those facilities are on their communities.

But not to worry, Big Brother knows best, and Big Brother will keep all that bad information away from the bad guys. Unfortunately, it is the American people who are the most affected people in this real-life scenario. And far from protecting us, this Big Brother would make us even more vulnerable to attack, from within and without. What it won't protect us from are those who would make profits while making us more insecure.

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PROPOSALS FOR A MORATORIUM ON REPROCESSING: THE CASE OF JAPAN

On 5 January IAEA Director Mohamed ElBaradei, proposed a five-year moratorium on constructing uranium enrichment and nuclear reprocessing facilities. He envisages this freeze as being "until we have completed our work on how we can have an international arrangement for the fuel cycle." The moratorium proposal represents a recognition of the inherent proliferation risk associated with the nuclear fuel cycle.

(**624.5671) CNIC -** The proposal to internationalize uranium enrichment and reprocessing is no doubt strongly influenced by a belief that governments would not agree to a moratorium without the prospect of an alternative supply of uranium enrichment and reprocessing services. It also flows from IAEA's mandate to promote the 'peaceful use' of nuclear energy.

However, it is highly debatable whether this is a valid approach. The 22 February report of the Expert Group on Multilateral Approaches to the Nuclear Fuel Cycle (commissioned by ElBaradei) is very vague about whether multilateral approaches would actually reduce proliferation risks, acknowledging proliferation risks for all of the options that it canvasses.

The proposal for a moratorium and for internationalization of the fuel cycle come in the lead up to the NPT Review Conference to be held in May. There is a sense of crisis surrounding the NPT. ElBaradei is to be commended for trying to inject a new sense of urgency into the negotiations.

However the internationalization idea, born as it is of a belief in the legitimacy of the 'peaceful use' of nuclear energy, is likely to create more problems that it solves. As it is, it seems that the moratorium idea will be dead on arrival at the NPT.

Several key countries have already expressed their opposition to the moratorium proposal. Their objections relate to the view that it would infringe on their "inalienable right to…develop research, production and use of nuclear energy for peaceful purposes"(NPT Clause IV). Whether this clause gives parties to the NPT an inalienable right to have uranium enrichment and reprocessing facilities is debatable, but it is difficult to tell some countries that they can't interpret it in this way, when other countries have been allowed to do so.

Japan has notified the IAEA of its opposition to the moratorium. Media reports indicate that Japan is afraid that it may have to suspend operation of the Rokkasho Reprocessing Plant if the freeze takes effect. Apparently ElBaradei has suggested that Japan and some other developed nations may effectively be exempted from the measure, saying it would be introduced on a voluntary basis.

This would defeat the purpose of the moratorium, since only countries with no interest in developing fuel cycle facilities would participate. Japan might become more receptive to the idea if it were told that it would become a nuclear fuel cycle center for North Asia, but even when Rokkasho is operational Japan will still be unable to cope with the spent fuel generated by its own nuclear power plants, and it is not even able to supply one third of its own uranium enrichment requirements.

Japan is already capable of producing nuclear weapons at relatively short notice. Rokkasho adds to this capability and also sets a bad example to other would-be proliferators. It creates another level of discrimination in the NPT framework.

The NPT already discriminates between nuclear weapons states and non nuclear weapons states. Now there will also be discrimination among the non-nuclear weapon states. Such a regime is bound to create resentment and fuel desires to acquire nuclear weapons.

If the Rokkasho Reprocessing Plant ever becomes operational, it will set a bad precedent as the only large scale reprocessing plant outside of the nuclear weapons states. On the other hand, if Japan heeds the calls for a moratorium on new enrichment and reprocessing plants, this would send a

very good signal to other states that are thinking of developing such facilities. Japan could do the world a great service by announcing at the NPT Review Conference in May that it is suspending developments at the Rokkasho Reprocessing Plant. This could be just the impetus that the non-proliferation regime needs.

CNIC hopes that Rokkasho will not escape attention at the NPT Review Conference in May.

We are aware that a seminar is being planned and that people from both Japanese and non-Japanese NGOs will attend. We are also aware that the Japanese government is very sensitive about this issue. We sincerely hope that this seminar will be a great embarrassment to them.

Source and Contact; Philip White, International Liaison Officer, Citizens' Nuclear Information Center, Tokyo, Japan. http://cnic.jp/english/

IN BRIEF

NASA's next nuclear space mission. The nuclear industry views space as a new market and is feverishly working to convince the global public that launching nuclear power into space will be safe. But rocket technology can and does fail. Launches from the Kennedy Space Center in Florida have a 10-20% failure rate. In 1996 a Russian Mars mission, carrying plutonium on-board, failed to achieve proper orbit and burned up as it reentered Earth orbit, spreading deadly plutonium over the mountains of Chile and Bolivia. The plutonium production process is also dangerous. Between 1994-1996, while fabricating the plutonium radioisotope thermo-electric generator (RTG's) for the 1997 Cassini mission at Los Alamos Labs in New Mexico, the DOE reported 244 cases of worker contamination.

In order to meet the growing demand for plutonium for future space nuclear missions, NASA is now planning to expand plutonium production facilities at the Idaho National Laboratory. The next plutonium mission set for launch is the New Horizons mission to Pluto. New Horizons will carry a RTG that transforms heat from decaying plutonium-238 into electricity to power the spacecraft's instruments. The New Horizons mission is set to launch from the space center in Florida in January or February, 2006. The Global Network will be organizing opposition to this launch and your help will be needed.

Please send your comments to NASA (at osspluto@hq.nasa.gov) by April 11 opposing the launch of nuclear power on the New Horizons mission. Even though NASA does not want to listen to the public, let's make sure they hear from us anyway. People from outside the U.S. are also encouraged to write. This is a global issue!
Global Network Against Weapons & Nuclear Power in Space, globalnet@mindspring.com

Japanese Kepco admits negligence, not fault, in fatal reactor pipe blast. Kansai Electric Power Co. in Japan admitted it failed to inspect a secondary cooling pipe that ruptured in August, killing five workers at its Mihama nuclear plant, in a report released by the utility on 1 March. But the report stops short of saying Kepco was responsible for the accident in Fukui Prefecture, simply saying that poor communications between subcontractors and Kepco employees was a contributing cause. The five who were scalded to death and the six who were injured as a result of the 9 August accident at the No. 3 reactor were employees of Nihon Arm Co., a Kepco subsidiary. The report says Nihon Arm and Mitsubishi Heavy Industries Ltd., which was in charge of inspecting secondary cooling pipes at the reactor, submitted to Kepco a checklist of items to be inspected. But for reasons that remain unclear, 42 items were omitted. These omissions included the pipe that ruptured. Antinuclear activists say Kepco's report is vague about the utility's role in the accident.
The Japan Times, 3 March 2005

Threats prevents exhibition by anti-nuclear artist, sponsored by nuclear utility. An exhibition of works by the late Austrian artist and environmentalist Friedensreich Hundertwasser in Switzerland has been cancelled after Swiss organizer Lindemann received threats. The exhibition of Hundertwasser, a life-long outspoken opponent of nuclear power, was sponsored by Axpo, a Swiss electricity group that also runs three nuclear power stations.

A foundation set up by Hundertwasser (who died in 2000 at the age of 72), which says it has the moral rights over his work, said in Austria that it had not been consulted about the project and had opposed it. "We cannot tolerate that the name of Hundert-wasser, who was always engaged against nuclear energy, should be associated with a company that runs nuclear power stations. It's a violation of his memory and his image," a spokesperson said.

According to a statement by Axpo, the exhibition was meant to "put art in the center and not to deal with the controversy about nuclear power". But then, maybe, they should have stayed far from it.
Statement Axpo, 9 March 2005; AFP, 9 March 2005

SMP missed MOX target; more financial uncertanties. Admitting to CORE (Cumbrians Opposed to a Radioactive Environment) in February that the active commis-sioning of Sellafield MOX Plant's (SMP) MOX fuel assembly stage had still not started, the company has now confirmed that, because of continuing problems, SMP is likely to miss its target of producing 3 MOX fuel assemblies by March 31. This target, already reduced from 12 to 3 assemblies, was set out in BNFL's much vaunted 2004/05 'Near

Term Work Plan'. This must have serious implications for BNFL's ability to meet its next crucial target - that of producing and delivering the 3 assemblies to Switzerland this summer in time for the Swiss power station Beznau's annual outages for refueling. If this is missed (for the third year running) SMP revenues to the Nuclear Decommissioning Authority (NDA) will not materialize and further MOX work may have to be sub-contracted.

Despite having first introduced plutonium into the plant some 39 months ago, SMP has still not produced one single MOX fuel assembly. The continuing failure has already led to at least 4 orders from overseas customers being sub-contracted to BNFL's rivals. With lost contracts and not a penny yet earned, and with additional plant modification expenses involved, the total cost of SMP is estimated to have rocketed to around £700M (Euro 800M; US$1070M.)

The NDA has been counting on MOX production and reprocessing at THORP to provide revenues to help pay for the costs of clean-up at Sellafield.

Moreover, according to a newspaper report, one German customer, the Brokdorf nuclear power station, is resisting payment to BNFL of 'storage fees' because BNFL had failed to meet its reprocessing deadlines. The paper puts the storage fees at £2772 per day (Euro 3185, US$4260). Delays in payment at this level must also impact badly on revenues expected by the NDA from reprocessing contracts.

Brokdorf had contracted around 75 tonnes of spent fuel to be reprocessed at THORP. With 'flagship' THORP running almost two years behind schedule because of accidents and breakdowns and more recent problems with vitrifying the liquid high level wastes produced by the process, the Brokdorf fuel will clearly not have been reprocessed as originally scheduled in year 2000.

CORE Briefing 5/05, 14 March 2005

NRC proposes rule change fire code. The U.S. Nuclear Regulatory Commission is moving to amend its fire protection regulations to allow reactor operators to abandon requirements for assuring electrical circuit integrity necessary to shutdown the reactor core from the control room in the event of a fire. The move comes as a dangerous retreat from the agency's inability to enforce the nuclear industry's fire code established as a result of the 1974 Brown's Ferry fire. Instead of assuring compliance for the required protection of redundant power and control circuits with qualified fire barriers, sprinklers, smoke detectors and minimum separation requirements between redundant cable trays, NRC would allow operators to instead send an operator to remote sections of the reactor to manually operate valves, circuit breakers and other components necessary to shut down the reactor. The move increases the risk and uncertainty associated with safely shutting down the reactor in the event of an accidental fire or act of terrorism.

The Federal Register of March 7, 2005 printed the agency's proposed rule change and provides for public comments to be submitted by May 23, 2005. If you are interested in submitting comments in opposition to NRC relaxation of fire protection standards at nuclear power stations, please contact NIRS (pgunter@nirs.org) for supplemental information or send your comments by email to SECY@nrc.gov or by mail to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

'Simple' typing error causes nuclear scare in Sudan. A stenographer for the US Congress generated alarming headlines in the Sudanese press this week by giving the mistaken impression the United States conducted nuclear tests in the African country in 1962 and 1970. The Sudanese government asked the US for an explanation and began its own investigations into a website report that a subcommittee of the US House of Representatives Armed Services Committee had talked about the tests in Sudan. On the website it said something about a previously undisclosed "Sudan" nuclear test, which "displaced 12 million tons of earth and dug a crater 320 feet deep" with more than a 1,000-foot diameter. However, it turned out that the word Sudan was merely a typing error for Sedan, the name of a nuclear test site in Nevada.

Reuters, 11 March 2005, & The *Washington Post*, 11 March 2005

ITER; fight about location goes on. The European Union wants to start building the ITER nuclear fusion reactor by the end of 2005 with or without an international agreement, European Research Commissioner Janez Potocnik said on March 7. The EU wants to build the 10 billion euro nuclear fusion reactor in Cadarache, France, north of Marseille, but would prefer to have all partners on board to share the cost. Six partners are involved in the quest to construct ITER— the European Union, Japan, China, the United States, Russia and South Korea. The EU and Japan are competing to have it built on their territory. The United States and South Korea support Japan's offer to build ITER in Rokkasho, in northern Japan, while the EU, China and Russia back the bid of Cadarache.

"I intend to pursue a six-party agreement until the last possible moment," Potocnik said "I am at the same time determined that the solution including the highest possible number of parties should be found soon, that is in due time to allow construction to start before the end of this year." On the same day, Research Minister Francois Biltgen of Luxembourg warned that an agreement had to be reached by the end of June, when his country's presidency of the rotating European Union presidency ends.

But Takahiro Hayashi, deputy director of Japan's Office of Fusion Energy, said: "There is no change in our position, We have been conducting technical discussions at the working level, and we believe the Japanese proposal about the project is superior to the EU proposal."
Reuters, 8 March 2005; AFP, 8 March 2005

Pakistan admits nuke sales to Iran. After years of denials, Pakistan admitted on 10 March that its top nuclear scientist Abdul Qadeer Khan sold crucial equipment to Iran but said it knew nothing of his activities when they occurred and insisted he will not be turned over to another country for prosecution. The admission by the Pakistani information minister was the first public acknowledgement that Khan provided Iran's secret nuclear program with centrifuges, a crucial component needed to enrich uranium and produce nuclear material for warheads. According to the minister Khan helped Iran in his personal capacity. On 14 March Pakistan denied reports it was to send used centrifuge parts to the UN atomic agency (IAEA) to trace the origin of highly enriched uranium contamination found in Iran. The centrifuge parts would have been compared with centrifuge components Khan sold to Iran. The IAEA is investigating contamination by microscopic particles of highly enriched uranium found in Iran at a workshop in Tehran, at a pilot enrichment plant at Natanz and at other sites where there were centrifuges.
The Associated Press, 11 March 2005, Agence France Presse, 14 March 2005

Massive anti-nuclear demonstration on May 1. On Monday, March 14, an international group of walkers began a 7-week pilgrimage from the gates of the Y-12 Nuclear Weapons Plant in Oak Ridge, Tenn., to New York City. In New York on May 1 the Nuclear Nonproliferation Treaty (NPT) Review Conference at the UNHeadquarters (2-27 May) will take place. Walkers from Australia, the U.S., Japan, and England express outrage at the ongoing violations to the NPT and to assert their conviction that the maintenance and production of nuclear weapons undermines international community and world peace. The walk will culminate in a massive demonstration in Central Park in New York City on Sunday May 1 to demand total and immediate nuclear disarmament.
For a list of events during the NPT conference, see www.reachingcriticalwill.org/legal/npt/RevConEvents.html

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WISE/NIRS NUCLEAR MONITOR

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The *WISE/NIRS Nuclear Monitor* publishes international information in English 20 times a year. A Spanish translation of this newsletter is available on the WISE Amsterdam website (www.antenna.nl/wise/esp). A Russian version is published by WISE Russia and a Ukrainian version is published by WISE Ukraine. The *WISE/NIRS Nuclear Monitor* can be obtained both on paper and in an email version (pdf format). Old issues are (after two months) available through the WISE Amsterdam homepage: www.antenna.nl/wise.

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