Environmental Defense Institute
News on Environmental Health and Safety Issues

November / December 2007	Volume 18 Number 8

Groups Challenge DOE's Legal Attempt to Indefinitely Extend Antiquated Advanced Test Reactor Operation

Lead attorney Mark Sullivan and contributing attorney Abigail Dillen with Earthjustice filed a motion in Idaho U.S. District Court on November 9, 2007asking the Court to alter its judgment. Below are excerpts of that Motion.

Plaintiffs Keep Yellowstone Nuclear Free ("KYNF"), Environmental Defense Institute ("EDI"), Mary Woollen, John Peavey and Debra Stansell ("Plaintiffs") submit this memorandum of points and authorities in support of their motion asking that the Court alter its Judgment dated October 30, 2007 ("Judgment"). As set forth below, the Judgment, and the Court's Memorandum Decision, are based on an error of fact that proved dispositive: that the Advanced Test Reactor ("ATR") had an originally-expected lifespan of more than 70 years, and that the Life Extension Program ("LEP") is intended to avoid a premature shutdown.

From its inception, the ATR had an originally-expected lifespan of 20 years. The DOE's "Aging Evaluation of the ATR Vessel Support Assembly" states: "Initial Design of the reactor and supporting equipment was generally based on an expected 20 year lifetime." More fundamentally, the four original ATR design specifications in the Administrative Record all state that the critical components of the reactor have a "design life"
of 20 years or less.

In light of this and other record evidence more fully described below, Plaintiffs respectfully request that the Court reconsider its Memorandum Decision and alter its Judgment by granting Plaintiffs' motion for Summary Judgment, denying Defendants' motion for Summary Judgment, and directing the DOE to immediately prepare an environmental impact statement on the LEP, as required by the National Environmental Policy Act ("NEPA"). In the alternative, Plaintiffs ask that this Court vacate its Judgment and order that a hearing be held to determine the originally expected lifespan of the ATR.

As set forth below, both the original design specifications for the ATR, and documents produced as part of a prior life extension program initiated (but never completed) in the late 1980s state that the design life of the ATR was 20 years.

The Original ATR Design Specifications Indicate a 20-year Design Life For Key Reactor Components

Design specifications for four critical components of the ATR are part of the Administrative Record. Those specifications were prepared prior to construction of the ATR in the early 1960s for Ebasco Services Corporation, the company that designed and built the ATR for the DOE's predecessor, the Atomic Energy Commission. They are: (1) ATR Specification for Primary Heat Exchangers; (2) ATR Specification for Reactor Vessel; (3) ATR Specification for Outlet Flow Pipe Assemblies; and (4) ATR Specification for Safety Rod Drive Mechanisms (the "Ebasco Design Specifications"). As set forth below, three of the four Ebasco Design Specifications state that the component has a 20 year "design life." The fourth gives a 10 year design life.

• The "ATR Specification for Primary Heat Exchangers" (Specification M-3) states: "The design life shall be a **nominal 20 years.**" (Emphasis added). The specification states that it "covers performance and construction features of Primary Heat Exchangers." The Primary Heat Exchangers are critical to the safe operation of the ATR, as they facilitate the removal of heat from the reactor's core. According to Specification M-3 the completed heat exchangers were to bear an American Society of Mechanical Engineers ("ASME") Code Stamp "for operation at the design conditions stated herein." One such design condition was a 20 year design life. Specification M-3 was revised seven times, and approved as revised by the Atomic Energy Commission on December 10, 1965.

• The "ATR Specification for Reactor Vessel" (Specification M-130) states, under the heading "Design Life": "**Normal 20 years** for all metal parts exclusive of irradiation effects." (Emphasis added). The reactor vessel, like the primary heat exchangers, is a critically important component of the reactor, and was to bear an ASME Code Stamp for operation at the "design conditions" stated in Specification M-130, including a 20-year design life. Specification M-130 was revised nine times and the final revision was approved by the Atomic Energy Commission on September 2, 1964.

• The ATR Specification for Outlet Flow Pipe Assemblies (Specification M-103) gives the detailed specifications for the piping that carries primary coolant water away from the reactor core, again a critical component of the reactor. Specification M-103 provides many details, including "expansion joint parameters" and states as their

"Design Life": "2000 temperature and pressure cycles over **a twenty (20) year period**." (Emphasis added). Specification M-103 was approved by the Atomic Energy Commission on January 11, 1963.

• Finally, the "ATR Specification for Safety Rod Drive Mechanisms" (Specification M-162) provides the design specifications for the emergency-shutdown safety rods, indispensable components of the reactor. In two places Specification M-162 states "The design life of the mechanisms shall be 10 years" and "**Design Life: 10 years**." (Emphasis added). Again, the "Design Life" is included under "Design Conditions and Requirements." Specification M-162 was approved by the Atomic Energy Commission on 11/16/62.

The Administrative Record (AR) also contains the "ATR Ebasco Design Manual" dated March 1964. Volume 21 of the Design Manual, entitled Reactor Data" includes descriptions of numerous ATR components, experiments, and possible effects. With regard to the design life of ATR components, the Design Manual includes the following:

1. Reflector Blocks "Design Life": 1 year.
2. Inner and Outer Flux Trap Baffles "Design Life": Five Years.
3. Safety Control Rod and Flux Trap Fillers Component "Design Life": Three Weeks to Five Years.

Thus, the original Ebasco Design Specifications for these critical components of the ATR specify design life of 20 years or less. There are no other design specifications in the Administrative Outer Shim Control Cylinders "Design Life": One Year.

These reactor components are presumably replaced when they wear out. The documents cited by the DOE to support an 'indefinite" lifespan, and those cited by the Court in its Memorandum Decision, are from 1988, 2000, 2003, and 2006. They all express the DOE's aspiration to operate the ATR beyond its original design life of 20 years, and do not reflect the ATR's originally-intended lifespan.

Record and no documents contemporaneous with the design and construction of the ATR that support a conclusion that its originally-intended lifespan was "indefinite," much less the 70-plus year lifespan the DOE now intends for the ATR.

The ATR Aging Evaluation and Life Extension Program Commenced in the Late 1980s Confirms That the ATR Was Designed for a 20-Year Operating Life

Consistent with the 20-year design life for various components set forth in the Ebasco Design Specifications, after 20 years of ATR operation, the DOE began, but never completed, an aging evaluation and life extension program for the ATR in order to determine if the DOE could safely continue to operate the reactor. That program was started in 1987 and was called the ATR Aging Evaluation and Life Extension Program (the "AELEX"). The first AELEX-related document in the Administrative Record is entitled "Development of An Aging Evaluation and Life Extension Plan for the Advanced Test Reactor" and is dated July 1987. That document introduces the need for the AELEX program as follows:

NR [Naval Reactors] sponsors have requested that the ATR be operated through the year 2014 in support of NR irradiation programs. The **extended operation** would result in an approximately 45-year operating lifetime for the ATR and requires that an assessment be made of aging effects and that lifetimes be projected for the various ATR mechanical, electrical and structural components. In order to assure the continued safe operation of the ATR and in order to minimize plant unavailability due to age-related degradation, an aging evaluation and life extension program plan is being developed. (Emphasis added). Thus, the purpose of the AELEX, like that of the current LEP, was to try to ensure that it was safe to extend the operating life of the ATR beyond its originally-intended lifespan.

Several reports then generated pursuant to the AELEX are part of the Administrative Record and plainly state that the design life of the ATR as a whole, as originally designed, was 20 years. For example, the "ATR Reactor Vessel Internals Lifetime Scoping Analysis," dated May 1989 states as follows:

"The Advanced Test Reactor (ATR) first achieved full-power operation in August of 1969, nearly twenty years ago. The **original design life of various equipment at that time (including the reactor vessel) was twenty years of full-power operation."** (Emphasis added).

Similarly, and even more conclusively, the "Aging Evaluation of the ATR Vessel Support Assembly" states as follows: "The Advanced Test Reactor (ATR) at the Idaho National Engineering Laboratory began full power operation in August 1969 and has been operating successfully ever since.

Initial design of the reactor and supporting equipment was generally based on an expected 20 year lifetime."

The AELEX was commenced because the ATR had at that time, now 20 years ago, reached or exceeded its originally expected operating lifetime. Thus, the stated purpose of the AELEX was to evaluate the safety and feasibility of extending the operating life of the ATR beyond its originally expected 20-year operating life to 2014, a 45-year operating life. However, due to funding constraints, the AELEX was never completed. AR 011323 (stating that the AELEX was "terminated due to funding constraints before the full benefits of the program could be realized."). The Administrative Record (AR) shows that Phases 1 and 2 of the program were completed, but Phase 3, during which "detailed assessments for life extension of the various plant components" were to be performed, was never completed,

leaving the "residual life" of many critical reactor components undetermined.

Thus, the stated goal of the AELEX, to ensure the safe operation of the ATR to 2014 and beyond, was never achieved. Yet, the reactor continues to operate to this day. Now, with the current Life Extension Program, the DOE has stated its intention to operate the ATR until 2040 and perhaps beyond, far exceeding the ATR's originally-expected lifespan.

CONCLUSION

The Court's Memorandum Decision stated that "KYNF is on solid ground when it demands that the DOE prepare an Environmental Impact Statement before …extending the operations of the ATR beyond its expected lifetime." Memorandum Decision at pg.13. However, the Court concluded that the LEP "neither expands the current operation nor extends the originally-expected life span."

It is clear from the citations above that the LEP is in fact intended to extend the operation of the ATR far beyond its originally-expected lifespan of 20 years. Plaintiffs therefore respectfully request that the Court vacate its Judgment granting the Defendants' motion for summary judgment, and enter judgment granting the Plaintiffs' motion for summary judgment. In the alternative, if the Court does not find the above citations conclusive, a hearing should be held to determine the original design life of the ATR and the Plaintiffs respectfully request that the Court vacate its Judgment and hold such a hearing.

F*or the complete US District Court Motion filed by Mark Sullivan with citations, as well as other court filings in this case; See;*

http://environmental-defense-institute. org/publications

Agency's Collude in Plan to Leave INL Buried Waste in Place

The Department of Energy (DOE), Idaho Department of Environmental Quality and the Environmental Protection Agency ("The Agencies") propose a buried waste Plan for the Idaho National Laboratory (INL) Radioactive Waste Management Complex (RWMC); October 2007 ("Plan"). This slick publication offers no detailed information about waste characterization or current contaminate plumes (except for VOC vapor extraction) so the public is left without crucial data on which to make an informed decision.

The Agencies "Preferred Alternative" [pg 25] will leave huge quantities of hazardous and long-lived radioactive waste in place to further contaminate Idaho's sole source aquifer. Of the 35 acres in the RWMC Subsurface Disposal Area (SDA) the agencies only plan on "targeted waste retrieval from 4.8 acres." Even IDEQ has reservations. "[T]he State has not agreed to accept DOE's currently proposed retrieval area of 4.8 acres." [pg. 40] Leaving the remaining 30.2 acres of SDA buried waste permanently in place in a flood zone to continue leaching hazardous and radioactive contaminates into the underlying aquifer is unconscionable. The RWMC lies in a localized depression about 40 feet lower than the nearby Big Lost River that flooded the RWMC numerous times in the past.

The Plan will leave over 1,200 (13 rows) "soil vaults" permanently in place with only grouting to reduce waste migration. Grouting is a known failed containment method because radiation degrades the grout over time and grout cannot be injected underneath the waste. Indeed, DOE claims grouting only "**reduces transport of contaminates into the vadose zone and aquifer**." [pg. 26] The soil vaults largely contain INL Naval Reactor Facility spent nuclear fuel parts that individually contain over 10,000 curies of remote handled waste.

It is no wonder that DOE is averse to exhuming this deadly waste that it currently has no other disposal site available to take it. However, these soil vault containers can be exhumed and put into the existing Nuclear Regulatory Commission permitted above ground shielded interim storage at INL/INTEC. This Agency action of leaving most of the waste in place literally puts future generations that rely on the Snake River Aquifer at significant and indefinite risk for potentially thousands of years (the toxic radioactive half-life of much of this waste).

The Environmental Defense Institute (EDI) believes that DOE's Remedial Investigation/ Feasibility Study for the RWMC/SDA is grossly inadequate in waste characterization, therefore, the Risk Assessment and proposed Plan for cleanup of the buried waste is subsequently deficient.

Because of inadequate waste characterization, the Environmental Defense Institute only supports the Agencies Plan Alternative No. 5; Full Retrieval, Treatment, and Disposal in a fully permitted non-Idaho

geologic repository. The fact that the RWMC lies in a flood zone disqualifies under Nuclear Regulatory Commission regulations any alternative that leaves waste in place in this shallow burial dump.

Alternative 5 that would remove "all" the buried transuranic/plutonium, is dismissed by the agencies for incorrect and inappropriate reasons. This alternative is what the public was promised in 1970, and promised again, in 1995, and would remove the 30,000 cubic meters of buried TRU, and remove the rest of the buried plutonium as well, that was re-defined as "low level" in 1982, to avoid overfilling WIPP in New Mexico.

EDI therefore rejects the Agencies preferred alternative. Also see EDI's buried waste detailed comments on our website http://environmental-defense-institute.org/ publications.

What can you do? Send comments to Daryl Koch, Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706;
Dennis Faulk, EPA, 309 Bradley Blvd. #115, Richland, WA 99352.

Idaho Falls Native Struggles to Receive Pension After 1958 INL Nuclear Accident

Corey Taule reports in the Idaho Falls *Post Register* (10/31/07) "March 20, 1958 National Reactor Testing Station [Now called Idaho National Laboratory] At 3:40 p.m., the radiation alarm sounded in "J Cell" at the Idaho Chemical Processing Plant. Seconds later, alarms followed near the "U," "S" and "Q" cells.

"The problem, however, had originated in the "L Cell," the result of an operation so secret the men involved could not speak its name. Chemical operator Don Hill, a 28-year-old Idaho Falls native, quickly diagnosed the problem. So did his friend and fellow operator Kay May. As May jumped into a telephone booth to call the plant's health physicists, Hill left the group of men seeking safe ground and returned to his station. He closed a valve, stopping the flow of waste to permanent underground storage tanks. Fifteen minutes after the alarms sent men scurrying, on-site health physicists reported "that radioactivity was airborne and the principle activity constituent was iodine.

"A few hours later, Jean May got a call from her husband, Kay. He wouldn't be home that night, a disappointment because a birthday party was planned for her mother. Kay said he'd been involved in an incident but told her not to worry. Jean hung up the phone, wondering: "Is he still in one piece?"

"National Reactor Testing Station Contractor Phillips Petroleum, in an internal memo, confirmed that "all personnel working in the Process Building during the incident were involved in the incident merely by being present in the area. This included personnel from Operations, Health Physics, and Maintenance."

"Eleven men, the memo continued, were directly involved, including May and Hill. All had been exposed to radioactive iodine, Phillips Petroleum determined, a problem because the thyroid cannot distinguish between it and cold iodine. It collects it all.

"Accidents at the site, while unusual, were not unheard of. Workers were involved in dangerous tasks, and safety, while emphasized, was not guaranteed. But this brief exposure would turn out to be radically different than others, not due to injuries or even death, but because of what the men were doing that day, the federal government's systematic efforts to keep that information from the public and the attempts to silence Hill.

"Government officials destroyed medical records and buried an Office of Inspector General's report verifying Hill's claims about the incident. They accused Hill of lying; threatened him and denied him part of his retirement.

"And lastly, they stonewalled a United States senator's efforts to understand why, after all these years, officials would go to such great lengths to suppress the facts about an accident that impacted a small band of men attempting to make the country safer during the height of the Cold War.

"The March 20, 1958, incident became known as the "RaLa Accident." RaLa, shorthand for radioactive lanthanum-140, had been produced at the Oak Ridge National Laboratory in Tennessee but was moved to the Idaho lab in the early 1950s.

"Hill and his assistant, Burdette DaBell, remember

that when the radio-lanthanum came out of the Chem Plant in shipping casks, it was quickly loaded into unmarked security trucks with a gunner sitting inside. The material, they say, was headed for Los Alamos National Laboratory in New Mexico.

"We knew that it was going to Los Alamos and we knew it was going to be a trigger for the bomb," DaBell recalled. That contradicts the Department of Energy's long-standing position that the site wasn't involved in weapons production. DOE spokesman Brad Bugger, in an e-mail, said the material was used at another agency facility to evaluate the implosion process of a nuclear weapon, not for a bomb trigger.

"The men exposed in the RaLa Accident underwent a battery of tests, including thyroid exams. Specialists were brought in from the Oak Ridge National Laboratory in Tennessee, where the RaLa process began in 1943 before being transferred to the Idaho lab "because of inordinately high iodine releases," former Post Register reporter Rocky Barker wrote in 1996.

Urine samples were collected for 30 days. Five men, Hill, May, Paul Maeser, J.B. Huff and A.W. Holmes, were given stable iodine drops for a week. One nurse, Hill recalled, requested that he and May not come to her office together because they set off her sensitive radiation scintillation detector. DOE records collected by Hill show that he and May received the highest doses of radioactive iodine on March 20, 1958.

A month later, doctors wrote, "It is believed that no appreciable physiological injury occurred to any individual. However, certain measurements indicate that Iodine-131 exposure to thyroids of certain individuals employed by Phillips Petroleum Company at ICPP did occur."

Hill and May were transferred to nonradioactive work. Upon inquiry, Hill, a man hand-picked for this secret and vital Cold War project, was told his job prospects were limited to mowing lawns and shoveling walks. Hill decided to enter the engineering program at Brigham Young University. He filed a leave of absence report to protect his eight years of work tenure, and at the end of his termination physical exam asked the on-site doctor about his RaLa exposure.

"You didn't get anything," Hill recalls being told. In 2006, Hill wrote to Craig: "I knew that we both knew this wasn't correct but it didn't dawn on me at that time that this was the beginning of the RaLa Accident Cover-up Conspiracy."

Part two

Early photographs of Hill show a sturdy man with thick black hair and a perpetual smile. Active in Boy Scouts and his church, Hill took great pride in his many runs down a Colorado River that was wild and free before man's need for electricity changed it.

Two incidents in this young man's life foreshadowed what was to come. One involved integrity, a word that would come to mean much to Hill, and the other, faith, which guided him through many disappointments.

"You will be protected in your work," Hill was told. Hill earned his degree in 1964 and returned to what is now Idaho National Laboratory. In a 1995 document he wrote at the request of then-U.S. Sen. Dirk Kempthorne, Hill said when he mentioned the word "RaLa," "the welcome mat quickly disappeared." (That 1995 document later would be verified by an Office of Inspector General investigator.)

Hill's 1964 return was abbreviated. He learned that his eight years tenure prior to leaving would not be reinstated. After 18 months on the job, he left for the private sector. But in 1967, lured by an offer from the Atomic Energy Commission, Hill returned. Hill reported his previous work history and listed the RaLa Accident on his exposure record. A few days later, he wrote in the 1995 report, a superior accused him of falsifying his record. The man threw his report down on the desk. "What is this s***?" he asked. Hill had to be wrong, his superior insisted, because there was nothing on his official record about an exposure at the Chem Plant.

Others exposed in the RaLa Accident, however, were doing fine. DaBell said he was tested for a year and the incident was never mentioned again. Maeser, a health physicist on duty that day, said he didn't ask questions and had no problems. May transferred to Argonne West, patented an invention that made DOE millions and later returned to the Chem Plant.

But when May requested his medical records, he began to understand Hill's frustration. "They kind of said, 'No use talking about it,'" Jean May recalls. "And when he asked for his records, they were gone." Hill worked in the private sector, including a stint in Saudi Arabia, from 1974 until 1987, when he accepted a job at the Yucca Mountain Project in Nevada. When his employer, EG&G Energy Measurements Division, obtained his exposure records from the Idaho National Engineering Laboratory, they came back empty.

Hill drifted back to DOE-Idaho, and there things

began to break. Democratic Sen. John Glenn, acting on a request from anti-nuclear groups that had been turned down in their efforts to obtain personal exposure records from the site, had instigated a Government Accountability Office investigation into accidents at the site. Hill spent a day with the investigators, detailing the RaLa Accident and his efforts to pry loose medical and radiation exposure records. Some old records began to turn up.

But in November 1992, Hill wrote that while getting a flu shot at an on-site facility, a nurse told him that his medical file had disappeared. Copies of the records eventually surfaced, but they contained only scant information about Hill's iodine exposure in 1958.

Tired of what he called the continual bureaucratic run-around over his medical records and tenure, Hill turned to politicians. Gov. Phil Batt heard him out, as did Dixie Richardson, a local office manager for Sen. Kempthorne.

Hill wanted to know the extent of his exposure in 1958. And he wanted those eight years added to his retirement. But because he left his job voluntarily following the RaLa Accident, Hill was told, his eight years of tenure were gone. Another key occurrence had taken place: the DOE called in Inspector General Investigator J. David Berrett to examine Hill's claims that he was cheated out of eight years tenure and that government officials had destroyed medical records and harassed him through the years.

Berrett filed his report in July 1993. Hill asked for a copy through a Freedom of Information Request in March 1994. In November 1994, he received a one-page "abstract" signed not by Berrett but his supervisor. Berrett, now employed by the Department of Defense in Utah, cannot speak about the case. His full report and case notes, despite Hill's and Craig's efforts to obtain them, have not seen the light of day.

But in November 1995, an old claim resurfaced. DOE officials informed Kempthorne the RaLa Accident could not have occurred. There was nothing, after all, in Hill's file to indicate that he had been radiated on that day. Kempthorne dropped the matter.

Part three

Hill next turned to Craig. There he found a champion. Craig's correspondence with several DOE officials is remarkable for two things: Craig's passionate and sometimes heated advocacy for Hill and the federal agency's cavalier treatment of Idaho's senior senator.

After receiving a "sanitized" version of Berrett's report on the Hill case, Craig wrote the investigator directly Nov. 5, 2001. His letter contained several pertinent questions: "Was there ever an explanation by DOE or their contractors regarding their unwillingness to admit to the existence of RaLa accident records?"

"The Abstract Report of your investigations (which is attached) was signed by Paul M. Misso, Assistant Inspector General for Investigations. Was this report actually your report, or had it been modified in any way?" "During your investigations, do you remember learning any information about why Mr. Hill's medical records disappeared?"

No response.

In April 2003, Craig wrote Berrett again. Inspector General Gregory Friedman responded July 7, 2003, with one page of rehash. A more heated Craig wrote Friedman on Aug. 20. Craig asked for Berrett's full report and case notes. He wondered why administrators and not the investigator himself replied to his questions. Finally, Craig asked the question Hill had been turning over in his mind for years: "Why, after all these years, does there still remains (sic) opposition to learning the whole truth about the RaLa accident?"

Jean May also was wondering about the truth. Her husband, Kay, had fallen ill late in life. Following the RaLa Accident, site doctors told May that his thyroid was fine. He'd gotten no more of a dose than had he gone into a hospital for iodine treatment, government doctors told May. A Veterans Administration doctor told him differently 30 years later. Medicine, Jean May said, was prescribed for his thyroid problems.

Meanwhile, Craig continued to probe. Friedman's reply to Craig's Aug. 20 letter, nearly two months later, avoided the senator's question and directed him to a federal compensation program that Craig had helped implement. But Hill hadn't gotten sick as a result of his exposure and therefore didn't qualify. The very next day, Oct. 9, 2003, Craig began his letter to Friedman and other DOE and OIG officials with this: "This communication is directed to Mr. Sanford Parnes, Mr. Gregory H. Friedman, Mr. C. Rick Jones and all other individuals at the DOE and DOE-OIG who continue to attempt to hide the truth in the 1958 RaLa conspiracy cover-up. ... We do not understand why this cover-up has continued and has been perpetuated all these years. Who is being protected and why?"

Later in the letter, Craig stated: "It was Agent Ber-

rett who discovered the documents that recorded accurate thyroid scan records from the accident had been officially ordered destroyed. We have copies of this order." Craig ended with this: "It is so disappointing (but not too surprising after all this time) to discover the gross lack of integrity in one of our prime government agencies."

Kay May died of appendix cancer in 2001. A program that compensates exposed DOE workers didn't help May's widow pay the medical bills. Jean May said the government posthumously determined there was a 45-percent chance that her husband's job caused his cancer. Fifty percent is required for compensation.

All three men received full retirement benefits. Jean May tried to contact other men involved in the RaLa Accident. Many have died. Their wives knew no more than she. Hill, 80, lives in Idaho Falls and remains in good health. The iodine exposure did him no harm. But decades of bureaucratic run-around and Craig's decision to throw in the towel left him angry and confused. Hill never wanted to hurt the industry he devoted his life to. He simply wants his full retirement and a national lab with enough integrity to acknowledge its warts.

In 2006, a particularly helpful DOE employee helped Hill attain a bundle of records related to the incident, not complete, but more than he'd ever hoped to get. Still, the questions nag him. Why has this gigantic federal agency, with its long reach and deep pockets, continued to deny him? And as Craig asked in 2003, who is being protected and why?

But Hill also knows the government will likely win in the end. The RaLa Accident survivors are aging and if the government holds out long enough, there won't be anyone left to ask questions. "

Post Register senior reporter Corey Taule can be reached at 208-542-6754.

INL Employee Hearing Starts

Idaho Falls *Associated Press* (AP) reports 11/28/07 that " A hearing began Tuesday for an employee at the Idaho National Laboratory in southeastern Idaho who says he was demoted after reporting concerns at the facility.

The exact nature of the problem Dennis Patterson reported has not been revealed. He said he was punished after speaking out at the INL, an 890-square-mile federal nuclear research area managed by the U.S. Department of Energy. Part of his complaint, though, said that he was browbeaten and eventually demoted after reporting in 2005 that Battelle Energy Alliance was violating privacy laws and the Freedom of Information Act. Battelle Energy Alliance is the contractor that runs INL for the Energy Department. The company declined to comment.

The scheduled three-day hearing at the Bonneville County Courthouse is part of the Energy Department's contractor employee protection program, in which a department officer listens to testimony from both sides.

Patterson, an employee since 1994, said he went to his supervisors with his concerns, but he said they responded with intimidation and a lower performance appraisal. He was demoted from manager to specialist. He filed a complaint that INL's Employee Concerns manager dismissed in July 2006 based on the finding that it hadn't been filed in a timely manner. He filed a whistle-blower complaint not long after that. Patterson said he planned to call four witnesses. If he wins, the INL could be ordered to reinstate him to his former position with back pay. Two other INL whistleblower cases have gone to hearings in the past decade.

In 1999, Morris J. Osborne said he faced reprisals, including being terminated, after reporting to Lockheed-Martin managers that there weren't enough electrical inspections at the site. Lockheed-Martin was the contractor at that time for the Idaho National Engineering and Environmental Laboratory.

INEEL and Argonne National Laboratory-West, a separate laboratory at the site, combined to form Idaho National Laboratory, or INL, in 2005.

Osborne was reinstated and received back wages after the Energy Department decided he wouldn't have been fired if he hadn't raised those concerns. In 2002, Bernard Cowan said Argonne National Laboratory-West retaliated against him when he reported safety problems. In that case, the Energy Department denied his reinstatement."

We at EDI extend our heart-felt best wishes during this holiday season
and the best of all good things to you and your loved ones for the New Year.