

*Chris Dayton*

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with a nearby nuclear reactor used for research and production of radioisotopes.

### State, DOE, NRC All In Favor of Change

About 100 people attended an Oak Ridge discussion hosted March 26 by DOE and NRC. "We are a willing participant," asserted DOE's Ed Cumesty, who oversees activities at Oak Ridge National Laboratory. One of the perceived benefits of external regulation would be an increase in public trust of DOE's operations, Cumesty predicted. John Austin of NRC explained a team will assess the radiation protection program at the DOE laboratory in Oak Ridge and closely inspect the nuclear-processing facility designated for the pilot study. The project will compare the DOE requirements enforced at the Oak Ridge facility with those used at NRC-regulated facilities, Austin said. The study also will look at the costs of a regulatory switchover and evaluate "alternative regulatory approaches," he said. Inspectors may identify weaknesses or potential compliance problems during the pilot project at Oak Ridge, but there will be no enforcement, the NRC official said.

### Tennessee Could Take On Oversight Role

If NRC ultimately is granted regulatory authority at DOE facilities, it's possible that oversight of the Oak Ridge operations could be turned over to the state of Tennessee, Austin said. That decision would be made later, he said. The state wants to see DOE's "exemption" from outside regulation taken away, Justin Wilson, deputy to Tennessee Gov. Don Sundquist, wrote in a letter to the federal agency. "We do not believe this exemption is justified," Wilson wrote. The "solution," he offered, is to regulate DOE facilities just like commercial nuclear facilities.

The first pilot project on external regulation is near completion at Lawrence Berkeley. A third project is supposed to get started later this year at DOE's Savannah River Site in South Carolina. DOE and NRC may conduct up to 10 pilot projects over the next couple of years, officials said. ◀

### ROCKY FLATS INTEREST GROUP CHARGES ACTINIDE MIGRATION PANEL WITH BIAS

*Wants Popular Soil Scientist, Fired in '95, Brought Back to Finish Work on Pu Migration*

The Rocky Mountain Peace and Justice Center is charging that the panel Kaiser-Hill put in place to study migration of plutonium through Rocky Flats' soil is

seriously compromised by two members' allegiance to Los Alamos National Laboratory and wants a soil scientist who lost his job during the transition to the new contractor in 1995 brought back to provide more balanced research. The group implies that the scientist, Iggy Litaor, was not rehired when Kaiser-Hill took over the contract from EG&G because his research concluded that there was significant movement of plutonium through the soil during a spring 1995 storm—information that refuted his own prior research. However, Kaiser-Hill spokeswoman Jennifer Thompson discounts these charges saying, that "when Kaiser-Hill took over the site, [there was] a major workforce reduction. Iggy was just one of 1,700 people who didn't continue work. His separation didn't have anything to do with the content of his research."

While Thompson maintains that the Actinide Migration Panel was hired to follow up on Litaor's "valuable work," the Peace Center's Dr. LeRoy Moore charges Kaiser-Hill with "ignoring the importance of Iggy Litaor's findings in hopes they'll go away," because they challenge the framework of the suggested accelerated cleanup for Rocky Flats. "If substantive movement of radionuclides in the soil can occur," offers Moore, "the quantities allowed under the Radionuclide Soil Action Levels adopted by the Department of Energy, the state of Colorado, and the Environmental Protection Agency need to be greatly reduced. It is essential to learn the truth about actinide migration."

### Roberson Considers Petition

Moore and Dr. Niels Schonbeck of the Rocky Flats Health Advisory Panel have petitioned Rocky Flats Ops Manager Jessie Roberson to provide up to \$10,000 to bring Litaor back to Colorado from his native Israel this summer so he can continue his research, because, according to Moore, "Iggy will get back to the physical movement of plutonium in soil, while those guys [on the Panel] aren't even taking their own soil samples." Roberson has thus far not responded to two requests from Moore, but Rocky Flats spokesman Pat Eichart assures there will be a response soon.

### 'World-Class Scientists' Doubted

Eichart calls the members of the Actinide Migration Panel—including Drs. Bruce Honeyman from the Colorado School of Mines, Peter Santschi of Texas A&M, and David Janecky and David Clark of Los Alamos National Laboratory—"world-class plutonium scientists," and maintains the reason DOE hasn't responded faster to Moore and Schonbeck's proposal is,

"If you have something already, you don't want to buy more of it." But part of the reason Moore, Schonbeck, and others want Litaor brought back to Colorado to complete his work is the perception that the Panel is less than totally forthright with its findings. Janecky and Clark, in particular, are thought to be compromised by their allegiance to LANL.

Honeyman in August 1997 remarked in a public appearance that he was convinced that up to 90 percent of the plutonium in Rocky Flats soil was chemically in organic form and thus susceptible to transport. Two months later, Honeyman spoke again, and according to Moore, offered "a totally different, more orthodox picture—one of plutonium's relative stability in the soil."

### DOE Promoted Litaor's Early Findings

Before the stormy spring of 1995—described as a once-in-100-years wet season—Litaor frequently published that the supposed movement of Rocky Flats' Southeast Plume toward the Greater Denver metropolitan area was mythical and that plutonium, once deposited in the soil, remains more or less immobile. "DOE was so happy with my reporting about the spatial extent of plutonium, they organized a media blitz in which I appeared in a few local papers telling the public the good news," Litaor told *WC Monitor*. But when his monitoring of plutonium in soil began producing different results, Litaor added, DOE's promotion of his findings tapered off. On May 17, 1995, Litaor's team

observed surface flow that surprised us because we had done many experiments that "showed" the likelihood of such an event is extremely small. We reported it promptly to our managers in EG&G.... I was unaware of the Kaiser-Hill storm that was coming. To be honest, given the high profile of my work, I was sure we would ride the Kaiser-Hill takeover. Moreover, Jessie Roberson, who at that time was heading the DOE Environmental Division at Rocky Flats, had praised my work at a formal meeting and asked for more.... When Kaiser-Hill took over...they were told by quite a few people that my work ought to be continued perhaps at a reduced scale. I was preparing my team of six graduate students [from the University of Colorado] and four or five technicians that we might need to reduce the scope of the work. On June 20, 1995, we were all given letters of dismissal. ◀

## DOE FIGHTS ORDER DIRECTING SULLIVAN TO APPEAR AT WCS HEARING

The Department of Energy is arguing that the Justice Department—not DOE General Counsel nominee Mary Anne Sullivan—should appear at a federal court hearing on Waste Control Specialists' (WCS) motion requesting another preliminary injunction to stop DOE from shipping LLRW or mixed waste to Envirocare under the Army Corps of Engineers contract. That hearing was scheduled for March 30 but has been pushed back to an undetermined date. In a motion for reconsideration filed March 19 with the U.S. District Court in Dallas, DOJ maintains that "full settlement authority over the claim asserted by [WCS] does not lie with DOE or any of its officials. Rather, settlement authority rests with the Department of Justice." Federal Judge Joe Kendall, who issued the initial injunction against DOE shipments ordered Sullivan to appear at the hearing on behalf of the department.

A DOE official told *Weapons Complex Monitor* that the court was "mistaken" in ordering Sullivan to appear at the hearing, explaining that she "is a fine lawyer, but just a lawyer." DOE requests that "if the court denies reconsideration, defendants further request a 30-day postponement of the...hearing insofar as it relates to settlement negotiations in order to allow the government defendants to consider seeking appellate review of the court's order and to allow the court of appeals adequate time within which to rule on any such request." ◀

## ...AND THE ENVIROCARE-WCS WAR DRAFTS ANOTHER SOLIDER

Former Ohio Congressman Dennis Eckart, now with Washington, D.C., law firm Arter & Hadden, which represents Envirocare, has joined the battle to fight Waste Control Specialists' proposal to operate a waste disposal facility in Texas without obtaining a state Nuclear Regulatory Commission license. On April 1, Eckart is looking to "convene interested parties" who have an intent on getting the federal court to lift the injunction prohibiting DOE from signing any contracts to accept waste without considering bids from WCS. ◀