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NRC  
Chairman Richard Meserve  
Washington, DC 20555

OFFICE OF  
PUBLIC AFFAIRS  
ADJUTANT GENERAL

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Dear Chairman Meserve:

The enclosed article on the re-cycling of radioactive material is giving me grave concerns.

Is it possible that when Federal Judge Gladys Kessler ruled that she could not stop the selling and re-cycling of 126,000 tons of contaminated material, she was ignorant of the dangerous effects of radiation on the environment and all living things?

Must BNFL make a profit on the decommissioning?

I know that decommissioning of the Fermi I Nuclear Power Plant was to entomb it in concrete. It is not a perfect solution, however it does keep the hazards of radiation in one place and somewhat controlled.

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U.S. NUCLEAR REGULATORY COMMISSION  
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There are millions of people  
like me that depend on your  
office to protect us from  
the unreasonable consequences  
of greed.

Please respond.

Sincerely,

John Hancock

# JUDGE CLEARS WAY FOR RADIOACTIVE "RECYCLING" DESPITE MISGIVINGS; TECHNICALITY ALLOWS BNFL TO SELL CONTAMINATED MATERIALS ON THE OPEN MARKET

A federal judge June 29 ruled that she cannot stop British Nuclear Fuels Ltd. (BNFL) from selling, or "recycling," 126,000 tons of contaminated materials from its demolition of the Oak Ridge, Tennessee uranium enrichment plant on the open market.

Judge Gladys Kessler said that the law required her to make the ruling, despite her own misgivings about the project. The case was brought by the Oil, Chemical and Atomic Workers Union (OCAW, union mergers have since changed the acronym to FACE), the Natural Resources Defense Council (NRDC), NIRS, and two Tennessee groups, Coalition for a Healthy Environment and Oak Ridge Environmental Peace Alliance.

At issue was a contract between BNFL and the Department of Energy to decommission the aging enrichment plant. According to the contract, BNFL is allowed to take the huge amounts of metal used to build the gaseous diffusion plant, perform a basic decontamination, melt the metals into unrecognizable forms (the design of the plant's inner workings is still classified), and sell the metals to recyclers as if the material were not radioactive. The ability to sell the contaminated materials turns a lucrative contract into a potential goldmine for BNFL, a company that has become increasingly aggressive in the U.S. nuclear marketplace.

In denying the suit, Judge Kessler said DOE and BNFL had acted within the law. But, Judge Kessler also warned that "[t]he potential for environ-

mental harm is great, especially given the unprecedented amount of hazardous materials which Defendants (DOE and BNFL) seek to recycle.

Judge Kessler noted that the Tennessee Department of Environment and Conservation "which has neither the resources not the extensive expertise of a national regulatory agency, [is] the only body with any supervisory power." She also said that "[t]he lack of public scrutiny is only compounded by the fact that the recycling process which BNFL intends to use is entirely experimental at this stage."

Meanwhile, the NRC is actively pursuing radioactive "recycling" standards (sometimes called "clearance" or "release" standards), which would allow reuse of contaminated materials from all types of nuclear facilities, including the decommissioning of nuclear reactors. Eventually, such a "standard" would be used to treat any material or waste less radioactive than the standard as essentially "clean" and allowed to be treated or thrown away as any normal product. The Department of Energy is likely to adopt whatever standard the NRC sets, which would add to the large amounts of radioactive wastes and materials that could enter normal commerce and be used in consumer goods.

The last time the NRC tried this, with its 1986 and 1990 "Below Regulatory Concern" (BRC) policies, it caused such an uproar that 15 states asserted their rights to require continued regulation of the radioactive ma-

terials, essentially banning BRC waste from garbage landfills, incinerators, etc. Hundreds of county, city and town governments passed resolutions against the concept. In 1992, the U.S. Congress formally revoked the unimplemented policies.

Now, just seven years later, the NRC is back with the same platform in a new public relations guise. If the public likes recycling, that's what they'll call it. Whatever the name, however, and whatever the details of the "standards" and implementation, the goal remains the same: to save the nuclear industry money—and perhaps even to earn it money by selling contaminated materials rather than treating them as nuclear waste—at the expense of the public's health and safety, and the protection of the environment.

NIRS is now launching a major new campaign to defeat this insidious policy, just as actions from the public defeated BRC.

## HOW YOU CAN HELP

- Write new NRC Chairman Richard Meserve (Washington, DC 20555) and tell him exactly how much radiation you are willing to receive from "released" radioactive wastes and materials. In short, the standard must be zero radiation from nuclear power and weapons production. Do this by December 22, 1999, which is the deadline for comments on the Scoping for the NRC's "release" from control policy (64 FR 125, 35090, 6/30/99).

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*Recycling, continued from page 5*

- Write both your Senators and your Representative and demand that Congress 1) uphold its 1992 revocation of the BRC policies and 2) require the NRC and DOE to prohibit all ongoing and proposed radioactive "releases" from licensed and regulated control into the marketplace.
- Contact your local officials; find out if they passed an anti-BRC resolution in the early 1990s; if so ask them to do so again. If not, encourage

them to do so now—before the contaminated materials start arriving in department stores and local landfills.

- Contact the stores you frequent, and ask them to publicly sign a declaration that they will never knowingly buy goods made from contaminated materials, or from BNFL and other nuclear companies involved in radioactive "recycling." Send a copy of these declarations to NIRS; we will forward them

to the companies involved, to government officials in the U.S. and abroad, to metals recyclers (who are virtually uniformly opposed to radioactive "recycling").

- Spread the word through newspapers and newsletters, letters to the editor, collecting petition signatures, seeking organizational and community resolutions. Contact NIRS for petitions

*Tokai, continued from page 4*

accident ever has occurred here, they said. Wrong. The worst was an accident previously unknown to NIRS, in 1964 in Rhode Island, at a small commercial uranium processing plant. An "inadvertent criticality" killed a plant worker and the plant was shut down. More recently, and more tellingly perhaps, on May 30, 1991, workers overfilled a uranium tank (human error again) at General Electric's fuel fabrication facility in Wilmington, North Carolina. For five days, the plant remained under "Alert" while workers frantically, and ultimately successfully, tried to keep the overfill from beginning a chain reaction.

In Wilmington, we were lucky. In Tokai, we were not.

At its absolute best, nuclear power requires human perfection. But humans aren't perfect and never were meant to be. There are no nuclear accidents, and Tokai wasn't an accident. It was an inevitability. So was Three Mile Island, so was Chernobyl, and so was Sellafield before those. Tokai wasn't the worst accident ever, it was just the latest. And so, until we learn and implement the lesson of the atomic age—that we must end the atomic age—there will be another geographical name that we may not yet know, but that will next become a tragic word that enters everyone's vocabulary.

## MOBILE CHERNOBYL ALERT!

At *Monitor* presstime, odds appeared about 50-50 that this year's Mobile Chernobyl bill in the Senate, S. 1287 (Murkowski, R-Alaska) could be called to the Senate floor at anytime. Senate Majority Leader Trent Lott had several times indicated his intention to bring the bill for a vote, but due to a threatened filibuster from Nevada Senators Harry Reid and Richard Bryan, Lott needs about five days of floor time for debate on the bill. It appeared that the bill would be called up if federal budget negotiations stalled, and there was ample floor time to debate the measure; otherwise, it would be put off until next year.

That means this is an excellent time to call your Senators—even those who you expect to eventually vote for it, and urge them to oppose S. 1287. The more controversial the bill, the less likely it will come up this year. On the House side, there has been no movement on the more-industry-friendly HR 45 (Upton, R-Mich. and Towns, D-NY), and no vote is expected until Congress resumes in 2000.