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**NUCLEAR REGULATORY COMMISSION WORKSHOP  
ON  
CONTROLLING THE DISPOSITION OF SOLID MATERIAL**

**MAY 21 AND 22, 2003  
ROCKVILLE, MARYLAND**

**Don Faulkner  
of the  
United Steelworkers of America  
Health Safety and Environment Department**

I am a Health, Safety and Environment Specialist and have been a member with the United Steelworkers of America since 1974. In 1994, I became an instructor/USWA liaison at the Center for Worker Health, Safety and Education in Cincinnati, Ohio. This is a center for HAZARDOUS MATERIAL education and emergency response for workers who respond to chemical spills and clean-up where they work. Prior to that, I worked at a steel plant called Newport Steel in Newport, Kentucky. While working at Newport Steel and serving as a union safety representative, I experienced first the hazards associated with radioactive scrap being introduced to a steel plant. As Newport Steel was a plant that melted the isotope cesium 137, not once but twice, insuring their knowledge of proper handling of radioactive waste.

In this workshop, I will address several issues of concern of the United Steelworkers of America.

First, regarding the unrestricted release of radioactive materials for consumer use or commercial use. We do not believe there is a safe level for radiation or radioactive materials to be released back into consumer goods or products.

I am sure that everyone here is aware of the term "NIMBY" (not in my back yard). It is obvious that the government agencies are now taking "not in my back yard" and saying let's move it "to the front porch" or "into the kitchen" with our families. I question the sincerity of the

NRC, the DOE, DOD, EPA and other government agencies involved with this group when they say they are concerned with the public's safety. Contaminated material, whether it is concrete or steel from the nuclear weapons industry or from the U.S. Department of Energy from nuclear reactors, has a radioactive pedigree for tracking and controlling this material. After it is recycled the first time and reused, the pedigree will be intact. At some point, it will be reused and recycled a second time - a third time - and a fourth time. That pedigree will likely become lost. The release of radioactive material going into the consumer goods and into the public sector will continually rise. It is a reasonable assumption that when the public goes to purchase products for the office and home, the products should be free of radiation. The agency seems to be hoping that the public's confusion will perpetuate an acceptance to these proposed higher levels of radiation to be released.

We use terms such as "ALARA" as low as reasonably achievable. The NRC is moving the target of what is lowest achievable. Regarding "BRC "below regulatory control", by raising the level of activity the agency is willing to maintain control over, the amounts released back into the public will continue to rise. This is happening because industry wants to continue to do business as usual! Our members are one group that will be exposed to these products coming through the scrap yards, the melt shops and the factories around the country.

The DOE is absolutely right, steel plant slag has background levels of radiation. There are many natural occurring sources of radiation, i.e. limestone, radon and UV rays from sunlight. It is unacceptable to add manmade radioactive materials causing the natural back ground levels to rise. The only release program that would be acceptable would be to put the materials back into the radioactive industry with strict control over use either for nuclear weapons or the power plant industry.

Next, we have concerns with the EPA controlled landfills and hazardous waste site landfills that are in existence today. They can leak and we don't believe they are controlled as well as the agency contends. Regular garbage dumps and hazardous waste dumps are not designed for long term storage/disposition of radioactive materials. If recycled radioactive waste finds its way into a landfill in this situation the hazard may spread beyond the landfill. There is

one instance where a landfill in the Cincinnati area was actually burning uncontrolled for several weeks. There is always the possibility that more of this could/will happen in the future. Groundwater is passing over and through landfills and entering streams from these EPA controlled landfills today causing our communities to be polluted, as we sit here pondering more pollutants to be placed in landfills. Twenty (20) out of thirty (30) landfills in California have radioactivity in them now. There is a closed landfill in Pennsylvania that emits radioactive gases. In Hanford, Washington, a DOE site, animals enter the silos, eating material, and setting off monitors around the facility. Workers must go out and kill the contaminated animal and disposed of as hazardous waste. I am not hearing EPA landfill operators volunteering for this proposed addition of radioactive materials. Quite the contrary, Broad Top Township of Defiance, Pennsylvania has submitted a statement from the City Council threatening closure of a landfill if the NRC plans to release radioactive materials "into their backyard."

Next, Dose Based Standards would not be acceptable because there are too many variables based on the individual source, level of activity, time, distance, how many people are involved, and sizes – there are just too many variables. That could lead to recalculating the results with other variations to get new results when the first are not acceptable. That is not a good way of doing business either. Where is the public safety concern using this logic? This type of cooking the numbers would be "ENRON" style of managing the problems with the public safety at stake.

What is the NRC's real purpose here? Is it public safety and control of these products? Or, is it to allow companies to expand business and continue as usual? Industry wants to dump this contaminated material but they are not considering the results. Their attitude is to just let them dispose of these products and recycle them into the scrap stream and the communities will take care of themselves and any hazards that may come their way. Representatives of the American Iron and Steel Institute are here as participants of these workshops. They don't want the radioactive products in their plants. They can't afford the cleanups that follow the unintended introduction of radioactive material. . The scrap vendors are saying they can handle anything. They will recycle whatever the government will allow. The sheer cost of developing a facility to

recycle radioactive waste materials ONLY is not a venture any participant here is willing to undertake.

It is obvious through the workshops where we have identified many orphan sources. There have been many instances of steel plants melting the sources. The NRC, DOE, DOD have lost control of the very industries and materials they are supposed to oversee.

On June 14<sup>th</sup>, a man in Thailand was arrested for selling on the black market what he called plutonium, to be made into a dirty bomb. They found out that the product wasn't plutonium, it was cesium 137, the perfect material for making a dirty bomb. The man was fined \$240.00 and will serve one year in prison. The NRC needs to maintain the tightest control to keep this material off the black market. The US Government is quickly loosing the public's confidence when it comes to the field of radiation.

Releasing materials into commercial use, on a case-by-case basis is not acceptable. The so-called radioactive pedigree would be lost, eventually allowing higher levels of radiation into consumer goods.

Conditional use - radioactive materials could be released with supposed restricted uses that would allegedly give lower doses than unrestricted release. There would be no follow-up to guarantee that the material remains in the restricted or conditional use as long as radioactivity is present.

In conclusion the only acceptable way is to allow disposal in NRC Licensed Radioactive Disposal Sites - this is where these materials belong.

I agree with Dr. Judith Johnsrud that the public has not been made aware of these hearings. It is obvious, as there is no one from the public sector here to testify at the hearings. Additional hearings and comment periods should be extended from June 30<sup>th</sup> for another 90 days at least, to allow true public response.

As I stated before, Steelworkers' members are one group who would be deemed to be reasonably and maximally exposed in the recycling of the radioactive materials whether from Federal weapon sites or commercial nuclear reactors. The U.S. Department of Energy, Department of Defense and the Nuclear Regulatory Commission need to maintain control of these products and not allow them into the steel plants. Steelworkers are an unprotected workforce, from this hazard and are not routinely monitored for radioactive dose contamination and do not receive the hazardous duty pay, or costly long term medical monitoring like nuclear workers. Workers should not be forced to choose between radioactive exposure and job security. Workers are not willing to sacrifice their health and jobs as an unfunded mandate for the profits of the nuclear industry. We call upon the government agencies to not allow the release of radioactively contaminated materials into the nation's supply of scrap materials to be fabricated into consumer and commercial goods. We need to maintain our environment.

Thank you for allowing me the opportunity to speak for myself and the United Steelworkers of America regarding this important issue that effects not only the members of the United Steelworkers of America but all of America. Thank you very much.