From: James Salsman <james@bovik.org>
To: <tjlodge50@yahoo.com>, <linda.rohde@ch.doe.gov>, <SECY@nrc.gov>, <JXD1@nrc.gov>, <Joan.Ogbazghi@hq.doe.gov>, <Abel.Lopez@hq.doe.gov>
Date: Mon, Jul 18, 2005 9:13 AM
Subject: multiple DoE FOIAss CH-05-16 and F2005-00366 and NRC petitions PRM-20-26 and ADAMS#ML051240497

Annette Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission

Joseph DeCicco
Petition Manager
U.S. Nuclear Regulatory Commission

Terry Lodge
U.S. Citizen
Eastern Time Zone

Dear Ms. Vietti-Cook and Gentlemen:

Thank you for your continued help and understanding acknowledgment. The FOIARs that I submitted to the Department of Energy and Argonne National Laboratories concerning uranium "or" uranium compound toxicology are replied to in this message. I hope that "or" is being read as "and/or." I have two nearly identical Freedom of Information Act requests pending with the Department of Energy.

Linda Rohde may be reached by email to linda.rohde at ch.doe.gov. Her phone number is 630.252.2042. She is a Freedom of Information Officer at the Department of Energy, working with docket number CH-05-16. Ms. Rohde indicates that the Department of Energy's Chief Financial Officer is studying the size of my request, the estimated processing fees, and the anticipated response date, and that she will immediately notify me of the results.

Joan.Ogbazghi at hq.doe.gov and Abel.Lopez at hq.doe.gov were the correspondents responding to similar D.o.E. FOIAR F2005-00366. I wish to consolidate my requests, and that my appeals here all be granted.

Please let Ms. Rohde, Mr. Lopez, and Ms. Ogbazghi know about the two similar requests which have been filed. Please indicate to all of them that I have appealed all denials, and that I am awaiting reply.

Please ask Ms. Rohde, Mr. Lopez, and Ms. Ogbazghi for copies, or summaries and representative copies, of the resulting records.

Please let Ms. Rohde know that I wish to appeal her rejection of my request to waive fees. I do not wish to waive my rights, including the right to use collections of the requested records in any lawful manner including submission of the results to the Nuclear Regulatory Commission, the right to recover the costs of submitting correct and beneficial petitions, and the right to share the requested information without undue financial burden. Apparently "authors" are allowed commercial use. Therefore, I wish to change my status

from "author" to "research author" if you think that best. Please let me know the wisdom, likelihood, implications, and status of that request, and/or any alternative request that you think are likely better for at least one reason.

Please let them all know that I wish the results of my requests to be included on the record and provided to the Nuclear Regulatory Commission's Petition Review Board for my petition of April 3, 2005 (ADAMS accession no. ML051240497) and on the Secretary's docket for NRC petition for rule making no. PRM-20-26 of May 6, 2005. I ask that the results of my Freedom of Information Act Requests submitted to the Department of Energy be submitted to the Nuclear Regulatory Commission Secretary and Petition Review Board.

Please incorporate my similar appeal of the corresponding request submitted to the D.o.E. earlier this year if necessary.

Please ask Ms. Rohde for a copy of her letter to me dated July 7, 2005.

Ms. Rohde suggested the following information would be useful:

1. Subject of Request: information concerning the full toxicology profile of uranium and uranium compounds and uranium combustion products, in the form of the financial records of the agency(ies) responsible for knowing the requested information. These financial records concern the appropriation, budgeting, allocation, commitment, programing, encumbering, utilization and/or expenditure of funds for the uranium and uranium compound toxicology profile including the developmental, reproductive, and long-term reproductive toxicology profile of uranium and its (combustion) products.

2. Value of Information: In order to compute the value of the information requested, the government must disclose accurate actuarial tables to describe in monetary terms the insurance value of human life found in practice. The extent of current accurate knowledge of the long-term reproductive toxicological profile of uranium and its products will be apparent from the records requested.

3. Contribution of understanding: Without knowledge of the long-term toxicological profile of uranium, no extrapolation of the implications to society, including costs, can be made. The ability to extrapolate such information is necessary to compute the long-term, strategic value of the use of uranium byproduct munitions. It is also necessary to determine the appropriate level of allowed intake of uranyl compounds. Optimizing both of those values is in the public interest, and that they both are implies that the benefit of disclosure outweighs any imaginable reason for withholding

4. Significance: The number of 1991 combat-deployed Gulf War veterans suffering death or significant debilitation, along with those considering having children has reached multiple hundreds of thousands. This is perhaps the most significant "friendly fire" incident in the history of our nation.

5. I have no commercial interest which would be furthered if I had the requested information.

6. Disclosure of the information is probably not in my commercial interest.

I wish to apply the information above and below, for my appeal of the denied expedited processing of request F2005-00366, to my appeal of the denied fee waiver and denied expedited processing to request CH-05-16. Thank you for any help towards these ends that you may be able to provide.

I do not wish to halt my appeals. Please let me know the most economical way to proceed in order to optimize both the ability to determine the long-term, strategic value of the use of uranium byproduct munitions, and the appropriate level of uranyl compound intake consistent with actuarial practice.

I ask that all my correspondence with the D.o.E. and the N.R.C. be allowed in response to any request for it, by any member of the public or the government, or any foreign citizen.

I certify under penalty of perjury that the foregoing is true and correct.

Sincerely,
James Salsman

---- earlier message ----

Subject: FOIAR F2005-00366
Date: Sat, 25 Jun 2005 01:50:31 -0700
From: James Salsman <james@bovik.org>
To: Joan.Ogbazghi at hq.doe.gov, Abel.Lopez at hq.doe.gov

FEE WAIVER INFORMATION AND EXPEDITED PROCESSING APPEAL
Re: F2005-00366

Dear Mr. Lopez:

This is in reply to your response to my Freedom of Information Act Request which you sent to me on June 17th. I have requested access to and copies of all records of funds appropriated, budgeted, allocated, committed, programmed, expended, encumbered, utilized, or spent for the purposes of determining the full toxicological profile of uranium, uranium compounds, and/or uranium combustion products, from 1995 to the present. I am writing to provide the additional information concerning my request to waive all fees that you asked me to send to Ms. Joan Ogbazghi, to whom I am sending a copy of this message, and to appeal your denial of my request for expedited processing.

Because I requested a waiver of fees, you asked that I provide additional information addressing the four factors of 10 CFR 1004.9(a)(8). Here is the additional information as requested:

1. The subject of the requested records concerns the operations and the activities of the government. The government has been involved in the regulation of uranium, uranium compounds, and uranium combustion

products for more than half a century, since the passage of the Atomic Energy Act and its precursors. The government has investigated the toxicity of uranium in several studies performed under contract to the Department of Energy at Argonne National Laboratories. There appeared to have been some preliminary investigation into the reproductive toxicity of uranium in the 1960s and '70s, but that work was apparently discontinued because the cost and time involved (often decades) of determining a full profile of a reproductive toxin in the 1970s was prohibitive. Modern genome sequencing methods have reduced that time and cost required by orders of magnitude, and in the late 1980s and '90s several independent researchers published developmental and reproductive toxicology studies. The question remains whether the government ever completed the full toxicological profile of uranium, compounds, and combustion products, and if not, whether there is money allocated but not spent which would allow the government to do so now that it is easy and inexpensive.

2. The disclosure of the requested information is likely to contribute to an understanding of government operations and activities, because the financial accounting surrounding investigations into uranium toxicology is presently obscure. If the accounting for the subject were brought to light, then it would be easy for interested parties to use money which was possibly allocated but never spent, pending the conclusion of decades of reproductive toxicity research. Even if the money to complete the toxicological profile of uranium was never allocated, without knowledge of the details it will be much more difficult to insure that the toxicological profile is completed.

3. The requested information will contribute to an understanding by the general public because it will be provided to the Nuclear Regulatory Commission staff responsible for the regulation of exposure limits for uranium which are presently the subject of my petitions published in the Federal Register, vol. 70 (June 15, 2005.), pp. 34699. The comments received in response to that petition pertaining to the reproductive toxicity of uranium are being published by the Nuclear Regulatory Commission to the medical experts who will use them in guidance to set standards for exposure to uranium. I have a similar petition presently pending before the Developmental and Reproductive Toxicant Identification Committee in the California State Office of Environmental Health Hazard Assessment. These people are responsible for setting exposure guidelines for the U.S. and California, and their work informed by the requested information will be published widely to the people responsible for limiting the release of toxins including uranium compounds and combustion products.

4. The requested information is expected to contribute significantly to public understanding, because at present the full toxicological profile of uranium is incomplete, to wit, it is missing the long-term profile of uranium reproductive and developmental toxicity in humans. In February, 1991, and more recently, large numbers of U.S. armed forces, U.S. contractors, and civilians have been exposed to uranium combustion products.

You denied my request for expedited processing because I did not establish that there is any threat to the life or safety of an individual that would justify expeditious processing, and because I did not identify an urgency.

A threat to life and safety requiring urgent action is clear because the toxicological profile of uranium, which is released on a daily basis by government and industry, is still incomplete. The requested information will substantially increase the likelihood of swiftly completing the reproductive and developmental toxicology profile of uranium.

Uranium has been known as a reproductive toxin by authorities on uranium toxicology since as far back as 1953:

"Degenerative changes in the testes resulting in aspermia in the testes and epididymis [were] apparently a result of uranyl nitrate" -- Maynard, E.A., Downs, W.L. and Hodge, H.C., "Oral toxicity of uranium compounds," in Voegtlin, C. and Hodge, H.C., editors, _Pharmacology and Toxicology of Uranium_, Volume 3 (New York: McGraw-Hill, 1953), pp. 1221-1369.

Recent studies confirm this fact:

"In rats, there is strong evidence of depleted uranium accumulation in tissues including testes, bone, kidneys, and brain." -- Pellmar, et al., "Distribution of uranium in rats implanted with depleted uranium pellets," _Toxicol Sci_, vol. 49 (1999) pp. 29-39.

"existing data indicate that implanted DU translocates to the rodent testes and ovary, the placenta, and fetus.... DU has been shown to be genotoxic...." Benson, K.A., Evaluation of the health risks of embedded depleted uranium (DU) shrapnel on pregnancy and offspring development, Annual Report No. 19981118065, October 1998.

That obscure publication cites A.C. Miller of the U.S. Armed Forces Radiobiology Research Institute, who indicates that the chemical toxicity of uranium is about six orders of decimal magnitude worse than its radiological hazard, in "Depleted uranium-catalyzed oxidative DNA damage: absence of significant alpha particle decay," Journal of Inorganic Biochemistry, vol. 91 (2002), pp 246–252: http://www.bovik.org/du/Miller-DNA-damage.pdf

Uranium has also been a known developmental toxin since as far back as 1989, "The Developmental Toxicity of Uranium in Mice," Toxicology, vol. 55 (1989), pp. 143-152: http://www.bovik.org/du/devtox-mice.pdf

In February, 1991, and more recently, a large number of people serving in the U.S. Armed Forces were exposed to uranium combustion products by inhalation, along with other substances such as fossil fuel combustion products, insect repellents, antidotes, and vaccinations, all of which have been shown, according to Pentagon officials, to free from reproductive hazards either alone or in any combination. However, the exposed veterans suffered significant reproductive harm:

"Overall, the risk of any malformation among pregnancies reported by men was 50% higher in Gulf War Veterans (GWV) compared with Non-GWVs" -- Doyle et al., _Int. J. Epidemiol._, vol. 33 (2004), pp. 74-86: http://ije.oupjournals.org/cgi/content/full/33/1/74

"Infants conceived postwar to male GWVs had significantly higher

prevalence of tricuspid valve insufficicieny (relative risk [RR], 2.7; 95% confidence interval [CI], 1.1-6.6; p = 0.039) and aortic valve stenosis (RR, 6.0; 95% CI, 1.2-31.0; p = 0.026) compared to infants conceived postwar to nondeployed veteran males. Among infants of male GWVs, aortic valve stenosis (RR, 163; 95% CI, 0.09-294; p = 0.011) and renal agenesis or hypoplasia (RR, 16.3; 95% CI, 0.09-294; p = 0.011) were significantly higher among infants conceived postwar than prewar." -- Araneta, et al., "Prevalence of birth defects among infants of Gulf War veterans in Arkansas, Arizona, California, Georgia, Hawaii, and Iowa, 1989-1993," _Birth Defects Res A Clin Mol Teratol._, vol. 67, no. 4 (April, 2003) pp. 246-60:

http://www.bovik.org/du/mscusn/BD_Infants_GWV_AR_AZ_CA_GA_HI_IA_1989-1993.pdf

http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list_uids=12854660&dopt=Abstract

It is estimated that exposure to only 0.34 mg of uranium can result in symptoms: "Estimate of the Time Zero Lung Burden of Depleted Uranium in Persian Gulf War Veterans by the 24-Hour Urinary Excretion and Exponential Decay Analysis," _Military Medicine_, vol. 168, no. 8 (2003) pp. 600-605:
http://www.bovik.org/du/inhalation-est.pdf

Please see also:
http://www.bovik.org/du/chromosome-abberations.pdf
http://www.bovik.org/du/5_Durakovic.pdf
http://www.bovik.org/du/4_Durakovic.pdf

I have obtained the data in this graph, originally published by the Iraqi government in early 2001, and since confirmed in 2004 by physicians working in Basrah, Iraq. It represents the birth defect rate in Basrah, Iraq over years:
http://www.bovik.org/du/basrah.gif

That graph is based on Table 1 of this medical journal article:
http://www.irak.be/ned/archief/Depleted%20Uranium_bestanden/DEPLETED%20URANIUM-2-%20INCIDENCE.htm
Med J Basrah Univ, vol. 17, nos. 1-2 (1999), "DEPLETED URANIUM AND HEALTH OF PEOPLE IN BASRAH: EPIDEMILOGICAL EVIDENCE."

Because of the disturbing acceleration in that trend, it is clear that the lack of a complete reproductive toxicology profile of uranium presents a clear and urgent threat the the life and safety of the children of the exposed. It seems very likely that this source of catalytic radical-induced (e.g., hydroxyl-induced) DNA damage, a million times as more hazardous than its radioactivity, will continue to cause increasing amounts of chromosome damage over an expected human lifespan.

Therefore, failure to obtain the requested information, which is very likely to help complete the reproductive toxicological profile of uranium, would be very likely to result in additional overexposures in those populations which might easily avoid overexposures if the full toxicological profile was known. Moreover, without the requested

information and the completion of the toxicological profile which is very likely to result from it, exposed individuals considering parenthood will not have the information they require in order to fully understand the likelihood of debilitating birth defects.

The exposed public must know how much reproductive harm to expect from the current exposure levels, and regulators must also have this data to determine the appropriate exposure goals. Please let me know if I am in any way incorrect about the urgency and the corresponding threat to the life and safety of the children of the exposed.

For those reasons, I appeal your decision to deny expedited processing of my request. If you do not understand the unavoidable implication of a threat to life and safety requiring urgent action from an incomplete toxicological profile of a known developmental and reproductive toxin presently being released, and why the requested information will reduce that threat, then please let me know. Otherwise, please expedite the processing of my request.

If you have any further questions about this request, or the information and appeal provided above, please phone me at 650.793.0162 or use email instead of postal mail.

Sincerely,
James Salsman

---- excerpts and amplification of supplemental message ----

Subject: Re: FOIA REQUEST - recommended response: Birth defects among infants of Gulf War veterans
Date: Sun, 03 Jul 2005 15:13:02 -0700

Thank you ... for your thoughts on my request to:

Margaret A. K. Ryan, MD, MPH
CDR, MC, USN
Director, DoD Center for Deployment Health Research
Naval Health Research Center
PO Box 85122
San Diego, CA 92186-5122
(619)553-7027, Fax (619)553-7601

She has offered that I contact her and/or her staff directly. If you or anyone else with an interest in the subject would like to speak with her, please be my guest.

As far as I can tell, they do have access to sufficient Gulf War veteran combat deployment information, or would if they asked for it, and should have been expected to ask for it. Apparently they have chosen not to, even though they acknowledge the problem in their references [4, 5] of the PDF files at:

http://www.bovik.org/du/mscusn/BIHR_annual_report_1998.pdf

http://www.bovik.org/du/mscusn/BIHR_annual_report_1999.pdf

and:

http://www.bovik.org/du/mscusn/BIHR_annual_report_2000.pdf

Please see.

Without that information we will not know whether the birth defect rate, as described here:

http://www.bovik.org/du/mscusn/BD_Infants_GWV_AR_AZ_CA_GA_HI_IA_1989-1993.pdf

is accelerating, as it has been in Basrah, as described here:

http://www.irak.be/ned/archief/Depleted%20Uranium_bestanden/DEPLETED%20URANIUM-2-%20INCIDENCE.htm
Med J Basrah Univ, vol. 17, nos. 1-2 (1999), "DEPLETED URANIUM AND HEALTH OF PEOPLE IN BASRAH: EPIDEMILOGICAL EVIDENCE."

Asking regulators to try to set limits on uranium's reproductive toxicity rate without this crucial information is absurd. Because the long-term reproductive toxicity of uranium inhalation is unknown beyond the exposures which hav not been completely reported, we must all join together to demand this information. If we are refused, we must let U.S. citizens know about the officials responsible for refraining to publish the information, and their stated reasons....

Sincerely,
James Salsman

[Federal Register: June 15, 2005 (Volume 70, Number 114)]

[Page 34699-34700]

Proposed Rules

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

[Docket No. PRM-20-26]

James Salsman, Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing for public comment a notice of receipt of a petition for rulemaking, dated May 6, 2005, which was filed with the Commission by James Salsman. The petition was docketed by the NRC on May 13, 2005, and has been assigned Docket No. PRM-20-26. The petitioner requests that the NRC amend its regulations to modify exposure and environmental limits of heavy metal radionuclides.

DATES: Submit comments by August 29, 2005. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods. Please include the following number PRM-20-26 in the subject line of your comments. Comments on petitions submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: SECY@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966. You may also submit comments via the NRC's rulemaking Web site at http://ruleforum.llnl.gov. Address questions about our rulemaking Web site to Carol Gallagher (301) 415-5905; e-mail cag@nrc.gov. Comments can also be submitted via the Federal eRulemaking Portal http://www.regulations.gov.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays. (Telephone (301) 415-1966).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415-1101.

Publicly available documents related to this petition may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including comments, may be viewed and downloaded electronically via the NRC rulemaking web site at http://ruleforum.llnl.gov.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at http://www.nrc.gov/reading-rm/adams.html. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737 or by e-mail to pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone: 301-415-7163 or Toll Free: 800-368-5642.

SUPPLEMENTARY INFORMATION:

Background

The NRC has established standards for protection against ionizing radiation resulting from activities conducted by licensees and has issued these standards in the regulations codified in 10 CFR part 20. These regulations are intended to control the receipt, possession, use,

transfer, and disposal of licensed material by its licensees. Licensed material is any source, byproduct, or special nuclear material received, possessed, used, transferred, or disposed of under a general or specific license issued by the NRC.

Appendix B to part 20 lists the Annual Limits on Intake (ALIs) and Derived Air Concentrations of radionuclides for occupational exposure, effluent concentrations, and concentrations for release to sewerage.

The Petitioner's Discussion

The petitioner believes that the current regulations allow more soluble compounds than insoluble compounds. The petitioner states that the regulations were designed to address only the radiological hazard of uranium, and not the heavy metal toxicity, which is known to be about six orders of magnitude worse. The petitioner asserts, in practice, that the soluble compounds are far more toxic than the insoluble compounds. The petitioner states that this should indicate that the long half-life uranium isotope regulation standards need to be completely revised.

The petitioner states that in the current regulations, an annual inhalation of more than two grams of uranium is allowed. The petitioner states that because the LD50/30 of uranyl nitrate (which has considerably less uranyl ion per unit of mass than uranium trioxide) is 2.1 mg/kg in rabbits, 12.6 mg/kg in dogs, 48 mg/kg in rats, and 51 mg/kg in guinea pigs and albino mice, two grams of UO3 seems very likely to comprise a fatal dose for a 200 pound human (Gmelin Handbook of Inorganic Chemistry, 8th edition, English translation (1982), vol. U-A7, pp. 312-322).

The petitioner believes that these values seem much too high. He believes that they were derived to avoid immediate kidney failure only, without regard to reproductive toxicity. The petitioner does not believe they were derived with sufficient care to avoid allowing lethal exposures. The petitioner states that the explicit limit to 10 mg/day of soluble uranium compounds (or about half a gram per year) in 10 CFR 20.1201(e) seems likely

[[Page 34700]]

to allow substantial kidney damage and certain reproductive toxicity.

The petitioner states that a urine study performed (see http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=pubmed&dopt=Abstract&list_uids=12943033
) calculates an average initial lung burden of 0.34 milligrams elemental uranium for those with isotopic signatures consistent with exposure to depleted uranium in what he believes were symptomatic exposure victims. The petitioner believes that this study is flawed, as it assumes a uranium compound biological half-time of 3.85 years in the lungs. The petitioner states that the primary mode of uranium toxicity involves much greater solubility. The petitioner believes that monomeric uranium trioxide will turn out to be absorbed more rapidly in the mammalian lung than uranyl nitrate, because of its monomolecular gas nature, and not merely about as rapidly as the studies of granular uranium trioxide by P.E. Morrow, et al., indicate (``Inhalation Studies of Uranium Trioxide,'' Health Physics, vol. 23 (1972), pp. 273-280). The petitioner states that even Class D may not be appropriate for monomolecular uranium trioxide gas.

The petitioner believes the correct way to determine these values,

to account for the reproductive toxicity, is probably to measure resulting mutations of mammalian peripheral lymphocytes, such as was done in this study of Gulf War veterans (http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=pubmed&dopt=Abstract&list_uids=12678382).

The Petitioner's Request

The petitioner requests that the NRC revise its regulations in 10 CFR part 20 that specify limits for ingestion and inhalation occupational values, effluent concentrations, and releases to sewers, for all heavy metal radionuclides with nonradiological chemical toxicity hazards exceeding that of their radiological hazards so that those limits properly reflect the hazards associated with reproductive toxicity, danger to organs, and all other known nonradiological aspects of heavy metal toxicity. The petitioner states that many of these limits consider the radiological hazard of certain chemically toxic radionuclides with slight radiological dangers (e.g., Uranium-238), without regard to their greater nonradiological hazard. The petitioner notes that this petition does not request increasing the permissible quantities given by any of those limits specified. The petitioner also states that, for example, the soluble forms of Uranium-238 compounds, which are more toxic if inhaled than the insoluble compounds, are allowed in greater quantities than their insoluble compounds. Other examples may include, but are not necessarily limited to, Uranium-232, Plutonium-239, and other long half-life isotopes of the heavy metal elements. The petitioner also requests that the classification for uranium trioxide within Class W, given in the Class column of the table for Uranium-230 in Appendix B to 10 CFR part 20, be amended to Class D in light of P.E. Morrow, et al., ``Inhalation Studies of Uranium Trioxide'' (Health Physics, vol. 23 (1972), pp. 273-280), which states: ``inhalation studies with uranium trioxide (UO3) indicated that the material was more similar to soluble uranyl salts than to the so-called insoluble oxides * * * UO3 is rapidly removed from the lungs, with most following a 4.7 day biological half time.''

The petitioner also requests that monomeric (monomolecular) uranium trioxide gas, as produced by the oxidation of U3O8 at temperatures above 1000 Celsius, be assigned its own unique solubility class if necessary, at such time in the future that its solubility characteristics become known (R.J. Ackermann, R.J. Thorn, C. Alexander, and M. Tetenbaum, in ``Free Energies of Formation of Gaseous Uranium, Molybdenum, and Tungsten Trioxides,'' Journal of Physical Chemistry, vol. 64 (1960) pp. 350-355: ``gaseous monomeric uranium trioxide is the principal species produced by the reaction of U3O8 with oxygen'' at 1200 Kelvin and above).

Conclusion

The petitioner requests that 10 CFR part 20 be revised in accordance with the proposed revisions as set forth above.

Dated at Rockville, Maryland, this 9th day of June 2005.

For the Nuclear Regulatory Commission.
Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 05-11799 Filed 6-14-05; 8:45 am]
See: http://www.bovik.org/du/NRC-PRM-20-26.pdf

Please send a comment before August 29th to SECY@nrc.gov with a subject line such as: comments on PRM-20-26 toxicity petition

I recommend that you include the following points:

1. Current regulations ignore the developmental and reproductive toxicity of heavy metal radionuclides, and are at present designed only to prevent kidney failure.

2. The reproductive toxicology profile for uranium combustion product inhalation in humans is currently unknown with any accuracy beyond 14 years (i.e., since the February 1991 exposures) and has shown an increasing and accelerating tendency, consistent with the fact that uranium accumulates in testes damaging sperm production cells and increasing chromosome damage over time.

3. It is completely unethical and immoral to allow any release of a known reproductive toxin without a fully established toxicology profile. Doing so is reckless and negligent; to willfully allow such releases is potentially a crime.

4. Regulators should attempt to extrapolate the existing known toxicology profile of heavy metal radionuclides and assume the worst case within the projections' 95% confidence intervals, and in an abundance of caution allow at least a two order-of-magnitude margin of error for limiting the increase in congenital malformations in children of the exposed to 5% after 30 years.

Sincerely,
James Salsman

---- the announcement of my other NRC petition ---

70 Fed. Reg. 32661 (June 3, 2005)

NUCLEAR REGULATORY COMMISSION

Receipt of Request for Action Under 10 CFR 2.206

Docket No. 040-08850, License No. SUB-1440, ATK Tactical Systems Company, LLC
Docket No. 030-28641, License No. 42-23539-01AF, Department of the Air Force
Docket No. 040-06394, License No. SMB-141, Department of the Army
Docket No. 040-07086, License No. SUB-734, Department of the Army
Docket No. 040-08814, License No. SMB-1411, Department of the Army
Docket No. 040-08838, License No. SUB-1435, Department of the Army
Docket No. 040-07354, License No. SUB-834, Department of the Army
Docket No. 040-08779, License No. SUC-1391, Department of the Army
Docket No. 040-08767, License No. SUC-1380, Department of the Army
Docket No. 030-29462, License No. 45-23645-01NA, Department of the Navy

Notice is hereby given that by petition dated April 3, 2005, James Salsman has requested that the U.S. Nuclear Regulatory Commission take action with regard to licensees holding a depleted uranium munitions license. The petitioner requests that ``* * * all licenses allowing the possession, transport, storage, or use of pyrophoric uranium munitions be modified to impose enforceable conditions on all such licensees in order to rectify their misconduct * * *."

The petitioner states ``The basis for this request is the gross negligence on the part of the licensees, * * *."

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Material Safety and Safeguards (NMSS). As provided by 10 CFR 2.206, appropriate action will be taken on this petition within 120 days. The petitioner discussed the petition with the NMSS Petition Review Board on May 4, 2005. The results of that discussion were considered in the Board's determination regarding the petitioner's request for immediate action and in establishing the schedule for the review of the petition. By letter dated May 26, 2005, the Director denied the petitioner's request for immediate action regarding depleted uranium munitions licenses. A copy of the petition (Accession Number ML051240497) is available in the Agencywide Documents and Management System (ADAMS) for inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and from the ADAMS Public Library component on NRC's Web site, http://www.nrc.gov (the Public Electronic Reading Room).

Dated at Rockville, Maryland, this 26th day of May, 2005.
For the Nuclear Regulatory Commission.
Jack R. Strosnider,
Director, Office of Nuclear Material Safety and Safeguards.

---- end 70 Fed. Reg. 32661 (June 3, 2005) ---

See also: http://www.bovik.org/du/du-petition.html

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