

From: "James Salsman" <jsalsman@gmail.com>
To: "Jack Strosnider" <JRS2@nrc.gov>
Date: 08/17/2006 5:28:52 PM
Subject: Re: Petition Review Board

Dear Mr. Strosnider:

Thank you for informing me that my petition is still under consideration for review. As you note, I was told that it was being referred to the rulemaking process instead of being reviewed.

I am disappointed that you are unwilling to provide the definition of "significant" which the NRC uses with respect to Management Directive 8.11 when determining whether to review a petition with new information. Don't you think that the public has a right to expect that, since the term is not defined in the Management Directive Handbook, or anywhere else on the NRC web site as far as I can tell, that the NRC will use a standard dictionary definition of the word?

In any case, I do have the following six pieces of new information supporting the petition which I was not able, or felt it unnecessary, to include on July 12:

(A) According to Carter, R.F. and K. Stewart (1970) "On the oxide fume formed by the combustion of plutonium and uranium" Inhaled Particles (proceedings of an international symposium organized by the British Occupational Hygiene Society) vol. 2, pp. 819-38, on page 836, "liquid droplets of ... uranium ... which burn in air ... lose about one half of their mass which is emitted violently as a vapor."

<http://www.bovik.org/du/CarterStewart.pdf>

This leaves no doubt that uranium oxide gasses, which have never been measured, comprise a substantial fraction of uranium combustion products.

(B) According to Levinskii, Y.V. (1974) "p-versus-T Phase Diagram of the Uranium-Oxygen System" Atomic Energy 37(4):1075-6:

<http://bovik.org/du/Levinskii74.pdf>

Figure 1 clearly indicates that uranium trioxide gas has the greatest partial pressure of all of the uranium oxides.

(C) According to Wanner, H. and I. Forest (2004) "Chemical Thermodynamics of Uranium" (Paris: NEA/OECD), on p. 98, Table V.4 indicates that uranium trioxide gas has the greatest enthalpy of formation of all the uranium oxide gasses.

<http://www.nea.fr/html/dbtdb/pubs/uranium.pdf>

(The burning temperature, by the way, is 2500-3000 K according to Mouradian and Baker (1963). "Burning Temperatures of Uranium and Zirconium in Air". Nuclear Science and Engineering 15: 388-394:

<http://bovik.org/du/scans/mb-388.jpg> ; in particular p. 392:

<http://bovik.org/du/scans/mb-392.jpg>)

(D) Since we don't have an agreed-upon definition of the word "significant" I need to bring the conclusions of petition reference [8], Hindin, R., D. Brugge, and B. Panikkar (2005) "Teratogenicity of depleted uranium aerosols: A review from an epidemiological

perspective" Environmental Health 4:17:

<http://www.ehjournal.net/content/4/1/17>

which reviewed over seventy scientific and medical references, to your attention: "In aggregate, the human epidemiological evidence is consistent with increased risk of birth defects in offspring of persons exposed to DU."

(E) Regarding the petition reference [9] Kang H, et al. (2001)

"Pregnancy Outcomes Among U.S. Gulf War Veterans: A Population-Based Survey of 30,000 Veterans," Annals of Epidemiology 11:504-511, according to the November, 2003 Department of Veterans Affairs "Gulf War Review," page 10: "Dr. Kang found that male Gulf War veterans reported having infants with likely birth defects at twice the rate of non-veterans. Furthermore, female Gulf War veterans were almost three times more likely to report children with birth defects than their non-Gulf counterparts. The numbers changed somewhat with medical records verification. However, Dr. Kang and his colleagues concluded that the risk of birth defects in children of deployed male veterans still was about 2.2 times that of non-deployed veterans."

<http://www1.va.gov/gulfwar/docs/GulfWarNov03.pdf>

I spoke with Dr. Kang on July 24th, and he confirmed that the 80% increase in "moderate to severe" birth defects which his population-based survey detected from 2000 data rose to a 120% increase after his review of over 700 veterans' children's medical records concluding in 2003.

(F) That increasing trend is completely consistent with the entirety of medical and scientific literature provided by Joe DeCiccio from Vincent Holahan:

http://www.gulflink.osd.mil/news/na_med_16jun.htm

<http://content.nejm.org/cgi/content/short/336/23/1650>

<http://www.cdc.gov/NCEH/veterans/default2b.htm>

http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list_uids=10992261&dopt=Abstract

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

Those references all show essentially no affect until the tail end of the 1990s, and a sharply increasing trend in the incidence of birth defects among children of February, 1991 Gulf War combat veterans ever since. The data from U.K. soldiers is also completely consistent with this trend, as is the number of birth defects reported in Basrah University Hospital in Iraq, which is plotted per thousand on this graph:

<http://www.bovik.org/du/>

Please understand that my patience has worn thin, and should any NRC official again rely on a contrived and arbitrary definition of the word "significant" at variance with the standard dictionary definition in order to forgo review of this or any other petition, I will not hesitate to file suit on the grounds in my draft complaint without further notice.

Please let me know the PRB's decision in light of this additional new information which is very significant by any definition of the word; even, if I understood it, Ms. Federline's.

Sincerely,
James Salsman

On 8/17/06, Jack Strosnider <JRS2@nrc.gov> wrote:

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> Dear Mr. Salsman:

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> In response to your e-mail communications of August 15, 2006, to me and to
> John Cordes, I want to correct a misunderstanding about your telephone
> conference with the Petition Review Board on August 10, 2006.

>

> Your e-mail to me stated that you would file a complaint in court unless you
> hear by the afternoon of August 17, 2006, that the Nuclear Regulatory
> Commission's Petition Review Board (PRB) is reconsidering the rejection of
> your July 12, 2006, request for treatment of your concerns about depleted
> uranium munitions as a 10 CFR 2.206 petition, and the PRB agrees to use a
> standard dictionary definition of the word "significant" in doing so.

>

> Despite your impression to the contrary, the NRC has not rejected your
> request of July 12, 2006, for treatment of your concerns in the 10 CFR 2.206
> process. Your request is still under consideration.

>

> After your first teleconference with the PRB on August 7, 2006, and pursuant
> to NRC Management Directive 8.11, "Review Process for 10 CFR 2.206
> Petitions", Handbook, Sections III.E and F, Joseph DeCicco and Paul Goldberg
> informed you by telephone on August 8, 2006, of the PRB's initial
> recommendation that your July 12, 2006, request did not meet the criteria
> for acceptance as a Section 2.206 petition and met the criteria for
> rejection, and the PRB's initial recommendation that your concerns about the
> safety of Depleted Uranium munitions would be considered in the rulemaking
> proceeding initiated by your petition, PRM 20-26. You were offered a second
> teleconference with the PRB in order to provide any additional relevant
> information and explanation to support your request, to be considered by the
> PRB before making a final recommendation on the treatment of your request.

>

> A second teleconference with the PRB was held on August 10, 2006. As was
> indicated during the two teleconferences on August 7 and August 10, 2006,
> the purpose of the teleconferences was to provide you with an opportunity to
> submit any additional relevant information and explanation in support of
> your request. The PRB would then meet after the teleconferences to discuss
> your request and determine whether to make a final recommendation of
> acceptance or rejection of your concerns for treatment in the 10 CFR 2.206
> process. The teleconferences were not intended to function as vehicles for
> reaching a final recommendation.

>

> The transcript of the August 10, 2006, teleconference was reviewed as soon
> as possible after receipt. At page 20 of the transcript Ms. Federline did
> remark that your petition had been rejected. This remark referred to the
> PRB's initial recommendation that your petition did not meet the criteria
> for acceptance. As evidenced by the entire transcript, the PRB made an
> initial recommendation to reject your petition, but has not made its final
> recommendation whether to accept or reject your concerns as a Section 2.206
> petition. The transcript, moreover, reflects the PRB's willingness to
> accept additional information. We regret that you were left with any
> impression to the contrary. As provided in Management Directive 8.11,

> supra, the PRB will meet to consider the need to modify its initial
> recommendation. Before that meeting and before making a final
> recommendation whether to accept or reject your request for treatment under
> Section 2.206, the PRB will review all information submitted by you,
> including the July 12, 2006, request, transcripts of the telephone
> conferences, and any additional information submitted by you. As provided
> by Management Directive 8.11, supra, the determination whether to accept or
> reject your request for treatment of your concerns in the Section 2.206
> process will be documented and provided to you in a letter.
>
> With respect to your request that the PRB define the word "significant",
> your views on the definition and usage of the word "significant" are in the
> record and will be considered before the PRB makes its final recommendation
> whether to accept or reject your request for treatment as a petition
> pursuant to 10 CFR 2.206.
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> In order to ensure that you receive a response to your August 15, 2006,
> e-mails before the afternoon of August 17, 2006, I am responding by e-mail
> with a letter to follow by overnight mail.
>
>
> Jack R. Strosnider
> Director
> Office of Nuclear Material Safety & Safeguards
> U.S. Nuclear Regulatory Commission
>
>
>

CC: "Margaret Federline" <MVF@nrc.gov>, "Paul Goldberg" <PFG@nrc.gov>, "Vincent Holahan" <EVH@nrc.gov>, "Joseph DeCicco" <JXD1@nrc.gov>, "John Cordes" <JFC@nrc.gov>, "Tim Harris" <TEH@nrc.gov>, "Thomas Essig" <THE@nrc.gov>, "Giovanna Longo" <GML@nrc.gov>

Mail Envelope Properties (44E4DF84.69A : 17 : 5786)

Subject: Re: Petition Review Board
Creation Date: 08/17/2006 5:28:10 PM
From: "James Salsman" <jsalsman@gmail.com>
Created By: jsalsman@gmail.com

Recipients

nrc.gov
OWGWPO03.HQGWDO01
JXD1 CC (Joseph DeCicco)
JFC CC (John Cordes)

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TWGWPO01.HQGWDO01

GML CC (Giovanna Longo)

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OWGWPO02.HQGWDO01
THE CC (Thomas Essig)
PFG CC (Paul Goldberg)
MVF CC (Margaret Federline)

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EVH CC (Vincent Holahan)

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JRS2 (Jack Strosnider)

Post Office

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Route

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Files

MESSAGE
Mime.822

Size

10085
12175

Date & Time

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Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled

Block List is not enabled

Docket numbers

040-06394
040-07086
040-08814
040-08838
040-07354
040-08779
040-08767
040-08850
030-29462
030-28641

License numbers

SMB-141
SUB-743
SUB-1411
SUB-1435
SUB-834
SUC-1391
SUC-1380
SUB-1440
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