

From: <Wheezin2@aol.com>  
To: OWFN\_DO.owf5\_po(AVC)  
Date: Thu, Nov 25, 1999 7:30 PM  
Subject: Attention: Rulemaking and Adjudications Staff

99 NOV 29 P4:37

Mr. Richard Meserve, NRC Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
Attn.: Rulemaking and Adjudications Staff

C-1  
AD...

Dear Chairman Meserve and Staff:

I fully support the statements and organizations below in this issue.

Glenn Bell  
Beryllium Victims Alliance  
Oak Ridge, TN

- >Nuclear Information and Resource Service
- >Public Citizen
- >
- >Press Release   Contacts: Diane D' Arrigo (202) 328-0002
- >August 12, 1999   Wenonah Hauter (202) 454-5150
- >
- >One Hundred Eighty-Five Organizations Call on Vice President Gore
- >to Stop Radioactive Recycling into Consumer Products
- >
- >Washington, DC--One hundred-eighty five consumer, public interest, labor
- >and environmental groups from across the country and around the world
- >delivered a letter to Vice President Al Gore today, calling on him to
- >stop the release of radioactive materials from nuclear weapons and power
- >plants into every day consumer goods and building materials.
- >
- >Specifically, the letter calls for a halt to a Gore-supported contract
- >by the U.S. Department of Energy and BNFL, Inc. at the massive, closed
- >uranium enrichment buildings in Oak Ridge, Tennessee. The contract
- >allows over 100,000 tons of radioactive metal (nickel, aluminum, copper
- >and steel) to be "processed" and released into the marketplace to
- >produce consumer products such as belt buckles, zippers, frying pans,
- >forks, and baby carriages. There would be no limit on the final use of
- >the contaminated material and there has been no notification nor consent
- >of the steel industry, workers and members of the public who will be
- >exposed.
- >
- >The same concern was recently expressed in June 29, 1999 federal court
- >decision by US Federal District Court Judge Gladys Kessler, who found
- >that:
- >
- >"The potential for environmental harm is great, given the unprecedented

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>amount of hazardous materials which [DOE and BNFL] seek to recycle. The  
>parties have not provided the court with any evidence of the safety of  
>recycling in comparison with any other method of disposal."

>

>The groups also call for the government to reveal the companies to which  
>the contaminated metal will be sent, and to investigate the highly  
>questionable circumstances that led to the granting of the radioactive  
>recycling contract at Oak Ridge.

>

>Congressmen Ron Klink and John Dingell have charged in an August 5,  
>1999 letter to Secretary Richardson that "DOE [has] abdicated  
>responsibility for the control of its radioactively contaminated weapons  
>as they [leave] DOE's facilities."

>

>"The contract is just the tip of the iceberg," stated Diane D'Arrigo of  
>Nuclear Information and Resource Service. "Other nuclear power and  
>weapons sites have begun the dangerous practice of sending their  
>radioactive materials to be recycled. The very government agencies  
>(NRC, DOE) and the officials that are supposed to protect the public are  
>promoting or allowing radioactive metal, concrete and plastic to enter  
>the marketplace."

>

>The Oak Ridge, Tennessee facility is a sister to the uranium enrichment  
>facility in Paducah, Kentucky, at which the Department of Energy misled  
>workers about the presence of plutonium contamination. Plutonium has  
>been found in the Oak Ridge facility in the same nickel that is destined  
>to be recycled into commerce.

>

>"If DOE denied or didn't know plutonium was present at Paducah, why  
>should we trust them to release waste from identical production plants  
>into products ranging from intrauterine devices to hip replacements?"  
>asked Wenonah Hauter, Director of Public Citizen's Critical Mass Energy  
>Project.

>

>"The DOE has admitted they can't protect the safety of their workers and  
>misled them. Now DOE wants to dump radioactive metals into everything  
>from baby rattles to zippers and they want us to believe they are  
>telling the truth when their "reassurance experts" tell us "not to  
>>worry." In fact, this is all about profits for a contractor who want to  
>cash in on the DOE's nuclear weapons complex clean-up bonanza," stated  
>Robert Wages, Executive Vice-President of the Paper, Allied-Industrial,  
>Chemical & Energy Workers International Union ("PACE").

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>Nuclear Information and Resource Service  
>Public Citizen

>

>August 11, 1999

>

>Vice President Albert Gore, Jr.  
>The White House  
>Office of the Vice President  
>1600 Pennsylvania Ave., NW  
>Washington, DC 20500

>

>Dear Vice President Gore:

>

>We, the undersigned 185 national, international, state and local  
>organizations are opposed to the recycling of radioactive waste from  
>atomic weapons and power into consumer products, the marketplace and the  
>environment.

>

>We are writing to call your attention to the findings in a recent  
>Federal Court case, that the Department of Energy's project to recycle  
>over 100,000 tons of radioactively contaminated metal from a nuclear  
>weapons plant in Oak Ridge, Tennessee, poses a "great" and unexamined  
>potential for environmental harm.

>

>The Oak Ridge project -- which you endorsed as an initiative that  
>"solves an environmental problem" -- involves recycling and selling  
>radioactively contaminated metals for use in commercial products, such  
>as cookware, baby carriages, and children's toys. It also establishes a  
>precedent for the Department of Energy (DOE) and the commercial nuclear  
>industry to release more than 1.5 million tons of radioactively  
>contaminated metal from federal and commercial facilities throughout the  
>country.

>

>Our organizations oppose such releases of radioactively contaminated  
>materials.

>

>We request that you:

>

>(1) advise Secretary Richardson to discontinue the radioactive recycling  
>project until DOE completes an environmental impact statement;  
>(2) require DOE to provide information on companies and scrap metal  
>dealers that have received, are and will be receiving radioactively  
>contaminated metals and the products for which the metal is being used;  
>and  
>(3) direct the Council on Environmental Quality to investigate the  
>circumstances under which DOE proceeded with the project in the absence  
>of meaningful public participation.

>

>The Oak Ridge Radioactive Metals Recycling Project

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>Just prior to the 1996 election, on October 30, 1996, DOE announced that  
>it was planning to award a contract to British Nuclear Fuels Limited,  
>Inc. ("BNFL") to recycle and sell for commercial uses radioactively

>contaminated metals removed from three nuclear materials processing  
>plants at the Department's Oak Ridge Reservation.

>

>In 1997, prior to the award of the quarter-billion-dollar cleanup  
>contract to BNFL, Robert Wages, then President of the Oil, Chemical &  
>Atomic Workers International Union ("OCAW") wrote to you opposing the  
>proposed project, arguing that it would "undermine the clearly stated  
>environmental values of this Administration." Mr. Wages sought a  
>meeting with you because he had serious concerns about the  
>Administration's decision to allow radioactively contaminated materials  
>into the marketplace -- particularly the potential impacts on workers.  
>You denied Mr. Wages' request for a meeting.

>

>At the same time, environmental and labor groups raised similar concerns  
>in a letter to the Secretary of Energy, Federico Pena, and requested a  
>meeting to discuss the Oak Ridge recycling project. Secretary Pena also  
>rejected the proposed meeting; although in an effort to mollify their  
>concerns, his office assured the groups that "the Secretary feels  
>strongly that Department of Energy has a responsibility to the residents  
>in all communities in which DOE operates."

>

>Despite these efforts and others, DOE failed to provide any opportunity  
>for meaningful public review. As a result, OCAW, the Natural Resources  
>Defense Council, the Nuclear Information and Resource Service, and two  
>Tennessee groups, Coalition for a Healthy Environment and Oak Ridge  
>Environmental Peace Alliance, determined that no other recourse remained  
>but to file suit seeking an order requiring DOE to prepare an  
>environmental impact statement for the Oak Ridge Project. On June 29,  
>1999, however, U.S. District Court Judge Gladys Kessler found that she  
>was barred from addressing the plaintiffs' National Environmental Policy  
>Act (NEPA) claims by a provision of the Superfund law, 42 U.S.C. :  
>9613(h) ("Section 113(h)", which denies federal courts jurisdiction to  
>hear any challenges to Superfund cleanups until they are completed.

>

>The Federal Court's Findings of Significant Environmental Impacts and  
>Serious Procedural Irregularities.

>

>Judge Kessler found that DOE's recycling of radioactive metals for  
>products used in American homes and businesses poses "great" potential  
>for environmental harm, "especially given the unprecedented amount of  
>hazardous materials [DOE and BNFL] seek to recycle." Judge Kessler  
>concluded that there was "ample evidence that the proposed recycling  
>significantly affects the quality of the human environment," and that  
>"[i]n the absence of Section 113(h), an [environmental impact statement]  
>would clearly have been mandated under NEPA."

>

>Judge Kessler found that DOE failed to provide an opportunity for public  
>notice and comment required under federal Superfund actions, and was  
>"quite troubl[ed]" that DOE "provided no adequate explanation" for this

>omission. Judge Kessler went on to criticize DOE for limiting "public  
>scrutiny or input on a matter of such grave importance" and found DOE's  
>actions "startling and worrisome." These concerns were heightened  
>because the absence of "public scrutiny is compounded by the fact that  
>the recycling process which BNFL intends to use is entirely experimental  
>at this stage."

>

>Two years following the award of the contract -- after millions of  
>taxpayer dollars have been expended -- Judge Kessler found that  
>"Plaintiffs allege, and [DOE and BNFL] have not disputed, that there is  
>no data regarding the process' efficacy or track record with respect to  
>safety." Judge Kessler's concerns about safety were elevated again  
>because "no national standard exists governing the unrestricted release  
>of volumetrically contaminated metal," which includes contaminated  
>nickel at Oak Ridge. According to the Judge, "[t]he result is no  
>oversight by any federal regulatory agencies."

>

>In addition to the problems identified by Judge Kessler, we note that  
>the record in the case reveals many other troubling aspects of the Oak  
>Ridge project, including (1) the highly questionable process by which  
>the contract was awarded to BNFL; (2) DOE findings that the BNFL team  
>has operated in violation of basic environmental and worker safety  
>protocols -- indeed, several accidents this spring caused BNFL to halt  
>the project to address worker safety deficiencies; and (3) the secrecy  
>under which BNFL sought authorization from Tennessee to proceed with the  
>unrestricted release of volumetrically contaminated nickel.

>

>In sum, Judge Kessler's June 29 decision confirms the Oak Ridge  
>recycling project is proceeding in blatant and knowing disregard of  
>basic principles of public participation, and your own commitment to  
>protecting the environment and human health.

>

>It is imperative that we meet with you as soon as feasible to discuss  
>the actions necessary to assure that the many health and safety issues  
>associated with the Oak Ridge project are addressed publicly and that  
>the public is given an opportunity to comment formally on the project.  
>Please contact Wenonah Hauter Director of Public Citizen's Critical Mass  
>Energy Project at 202-454-5150 to schedule a meeting.

>

>Thank you for your consideration of this critical issue.

>

>Sincerely,

>

- >1. Abalone Alliance
- >2. Abolition 2000
- >3. Action for a Clean Environment
- >4. Air, Water, Earth Organization
- >5. Alliance for Nuclear Accountability
- >6. Alliance for Public Health and Safety

- >7. Alliance for Survival
- >8. Alliance to Close Indian Point
- >9. American Environmental Health Studies
- >10. Anti Atom International (AAI)
- >11. Arizona Toxics Information
- >12. At Home in the World
- >13. Audubon Council of Texas
- >14. Australian Peace Committee
- >15. Bastrop County Environmental Network
- >16. Bay Area Nuclear Waste Coalition
- >17. Bay Area Wash Campaign
- >18. Bison Land Resource Center
- >19. Burgerinitiative Umweltschutz (BIU), Czech Republic
- >20. California Communities Against Toxics
- >21. Californians for Alternatives to Toxics
- >22. Californians for Radioactive Safeguards
- >23. Campaign for Food Safety
- >24. Campaign for International Cooperation & Disarmament
- >25. Carolina Peace Resource Center
- >26. Center for Community Action and Environmental Justice
- >27. Center for Energy Research
- >28. Center for Environmental Health
- >29. Center for Safe Energy of the Earth Island Institute
- >30. Central Pennsylvania Citizens for Survival
- >31. Central Valley Institute
- >32. Centrum ENERGIE, Czech Republic
- >33. Chenango North Energy Awareness Group
- >34. Chicago Media Watch
- >35. Chico Peace and Justice Center
- >36. Childhood Cancer Research Institute
- >37. Citizen Action-Illinois
- >38. Citizens Action Coalition of Indiana
- >39. Citizen's Awareness Network
- >40. Citizen's Environmental Coalition
- >41. Citizens for a Better Environment
- >42. Citizens for Alternatives to Radioactive Dumping
- >43. Citizens Protecting Ohio
- >44. Citizens' Action for Safe Energy
- >45. City of Davis, CA
- >46. Clean Water, Boston
- >47. Coalition for a Healthy Environment
- >48. Coalition for Peace and Justice
- >49. Coalition on West Valley Nuclear Wastes
- >50. Columbia River United
- >51. Columbus Campaign for Arms Control
- >52. Committee to Bridge the Gap
- >53. Communities Helping to Oppose Radioactive Dumping
- >54. Concerned Citizens for Nuclear Safety
- >55. Connecticut Citizen Action Group

- >56. Connecticut Opposed to Waste
- >57. Conservation Council of North Carolina
- >58. Cumbrians Opposed to a Radioactive Environment
- >59. Dawn Watch
- >60. Desert Citizens Against Pollution
- >61. Don't Waste Michigan
- >62. Don't Waste Arizona
- >63. Don't Waste Massachusetts
- >64. Don't Waste Oregon
- >65. Earth Action International
- >66. Earth Challenge
- >67. Earth Concerns of Oklahoma
- >68. Earth Cycles
- >69. Earth Day Coalition
- >70. Environmental Advocates
- >71. Environmental Coalition on Nuclear Power
- >72. Environmental Health Watch
- >73. Environmental Information Network
- >74. Environmental Research Foundation
- >75. Environmentalists, Inc
- >76. For a Clean Towanda Site (FACTS)
- >77. Friends of the Earth, U.K.
- >78. Friends of the Earth, U.S.
- >79. Friends of the Red Road
- >80. Fund for New Priorities in America
- >81. Gemeinsam gegen Atomgefahren, Austria
- >82. Global Resource Center for the Environment
- >83. Grandmothers and Others Alliance for the Future
- >84. Grandmothers for Peace International
- >85. Grandparents of East Harris County
- >86. Green Party of Santa Clara County
- >87. Green Party, D.C.
- >88. Greenpeace
- >89. Hanford Watch
- >90. Hawaii Green Party
- >91. Healing Global Wounds
- >92. Heart of America
- >93. Heartland Operation to Protect the Environment
- >94. Indian Point Project
- >95. International Institute of Concern for Public Health
- >96. Iowa City Green Party
- >97. IPPNW-Hamburg, Germany
- >98. Irradiation Free Food Hawaii
- >99. Lake Superior Greens
- >100. Liberation Collective
- >101. Long Island Alliance for Peaceful Alternatives
- >102. Maryland PIRG
- >103. Maryland Safe Energy Coalition
- >104. Massachusetts Citizens for Safe Energy

- >105. Mississippi Environmental Justice Project
- >106. Mothers and Others for a Livable Planet
- >107. National Environmental Coalition of Native Americans (NECONA)
- >108. Natural Resources Defense Council
- >109. Nevada Desert Experience
- >110. Nevada Nuclear Waste Task Force
- >111. New Jersey Environmental Lobby
- >112. New Mexico PIRG
- >113. New York State Labor & Environment Network
- >114. North American Water Office
- >115. North Carolina Waste Awareness & Reduction Network
- >116. Northcoast Environmental Center
- >117. Northwest Environmental Advocates
- >118. Nuclear Age Peace Foundation
- >119. Nuclear Energy Information Service
- >120. Nuclear Free New York
- >121. Nuclear Guardianship Project
- >122. Nuclear Information and Resource Service
- >123. Nukewatch
- >124. Oak Ridge Environmental Peace Alliance
- >125. Ohio Citizens for Responsible Energy
- >126. Ohio Network for the Chemically Injured
- >127. Ohio Peace and Justice Center
- >128. Oklahoma Institute for a Viable Future
- >129. Ooe Ueberparteiliche Plattform gegen Atomgefahr, Austria
- >130. Oregon Peace Works
- >131. Our Earth, University of Oklahoma
- >132. Oyster Creek Nuclear Watch
- >133. Paper, Allied-Industrial, Chemical and Energy Workers Union, Local  
>288 (Oak Ridge)
- >134. Parents Against Irradiation
- >135. Pax Christi USA
- >136. Pax Christi, New Mexico
- >137. Peace and Justice Task Force
- >138. Pennsylvania Environmental Network
- >139. Physicians for Life
- >140. Physicians for Social Responsibility
- >141. Physicians for Social Responsibility, LA
- >142. Prairie Island Coalition
- >143. Portsmouth-Piketon Residents for Environmental Safety and Security
- >144. Protect All Children's Environment
- >145. Public Citizen's Critical Mass Energy Project
- >146. Public Employees for Environmental Responsibility
- >147. Radioactive Waste Management Associates
- >148. Redwood Alliance
- >149. Reseau Sortir du Nucleaire
- >150. Safe Energy Communication Council
- >151. Save Our Cumberland Mountains
- >152. Save Ward Valley

- >153. Southern Coalition Opposing Plutonium Energy (SCOPE)
- >154. Senior Citizens Alliance of Tarrant County
- >155. Serious Texans Against Nuclear Dumping
- >156. Sierra Blanca Legal Defense Fund
- >157. Sierra Club, U.S.
- >158. Silicon Valley Toxics Coalition
- >159. Standing for Truth About Irradiation
- >160. Stichting Visie
- >161. Student Activist Union, Vassar College
- >162. SUN DAY Campaign
- >163. Sustainable Energy and Economic Development Coalition
- >164. Tarrant Coalition for Environmental Awareness
- >165. The Cancer Prevention Coalition
- >166. The Nuclear Democracy Network
- >167. The Southwind Group
- >168. The ZHABA Collective (ASEED-Europe)
- >169. Three Mile Island Alert
- >170. Toxics Action Center
- >171. Tri -Valley Communities Against a Radioactive Environment
- >172. Union of Australian Women
- >173. United States Public Interest Research Group
- >174. Valley Watch, Inc.
- >175. Vermont PIRG
- >176. Virginia Consumer Action
- >177. Voices of Central Pennsylvania
- >178. War Resisters League, San Luis Obispo
- >179. Washington PIRG
- >180. Waste Action Project
- >181. We the People Inc, of TN
- >182. Women's Environment and Development Organization
- >183. Western Nebraska Resources Council
- >184. Wisconsin PIRG
- >185. Women Legislators Lobby
- >186. Women's Action for New Directions
- >187. Yggdrasil Institute