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Oak Park IL 60302
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NRC Chairman Richard Meserve
Attn: Rulemaking and Adjudications Staff
U.S. NRC Washington DC 20555

Dear Chairman Richard Meserve

I am writing to call on Nuclear Regulatory Commission to isolate radioactive wastes and materials and anything they contaminate, no matter what level. The radioactive legacy of atomic energy and weapons production should be isolated from the public and the environment.

The NRC should also extend the comment period on releasing radioactive waste into commerce to at least September 2000. This issue is too important to act hastily upon and it should be fully debated by the public.

In conclusion, please give the public at least 8 more months to comment. And please prohibit the release of radioactive materials into commerce, landfills and incinerators.

Please find a meeting group: letter that was sent to Vice President Albert Gore Jr. If you have any questions about this enclosed letter of 187 organizations that ^{are} against the recycling of radioactive waste. Please contact Wenonah Hauter, Director of Public Citizens' Critical Mass Energy Project 202-454-5500 to schedule a meeting.

Sincerely

Sydney Baiman

PDR PR 20 64FR35090

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Multigroup letter:

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 187 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
- (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

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