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USNRC

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OFFICE
RULE
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Dear US Nuclear Regulatory Commission,

This is a letter to urge you to do everything you can to prohibit the release of radioactive metals into the recycling loop for general manufacturing use.

The proposal is ill conceived, and will result in world health, environmental, and economic catastrophe. **This is not a solution that does away with the problem of disposal. It just shifts it from those who can afford it, to those who can't.** The release of low level radioactive waste metal into the loop for recycling is not a safe or responsible way to deal with it. Dilution is not the solution to pollution, in this case. Everyone in the industry has known from the beginning that the use of radioactive materials is inherently dangerous, and that dealing safely with the waste would be a real problem. The companies that have produced this waste are the ones that must take responsibility for the permanent disposal of it. **The best and least expensive time to collect, sort, and deal with the stuff is now, at the source, not once it has been mixed into the environment and spread all over the planet.** These companies have had their party, and although it wasn't as much fun as they had hoped, it has been fun enough. Now it is time to pay the piper. **The only ones who will benefit by recycling radioactive waste into consumer goods are the companies and shareholders who otherwise would have to foot the bill for proper disposal. No one else will benefit.** That's a tiny minority living large at the expense of a vast majority, and it is not justifiable in any sense.

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Mixing radioactive metals with others in consumer destined products would:

1) Surround the people of the world with an unnecessary source of radiation. It is unnecessary because we have an option to dilution. An effort at permanent proper disposal is expensive, yes, but it is the right thing to do. *We have developed a site for safe disposal, the stuff belongs there.*

2) Pass on the burden of ultimate disposal to local municipalities. This is not a solution that does away with the problem of disposal. It just shifts it from those who can afford it, to those who can't. Eventually, the bill for proper disposal will have to be paid. No company is crying that proper disposal will put them out of business, just that it will be expensive. *It would be far less expensive for the government to right now underwrite disposal and bail out the industry, (if indeed it needs bailing), than to deal with this later. Not until 100% of all metals in the world are recycled all the time, would anyone be able to make the claim that none of this material would eventually end up in landfills, illegal dumps, and by the side of the road, not just in the US, but throughout the world.* Eventually, the cost of this disposal would ruin towns, require huge governmental support, and pose an incredible technological challenge to separate and purify material. In the meantime, the material itself would poison water sources and ecosystems throughout the world. We might never recover from this decision, just as we might never recover from the decision to create the stuff in the first place.

3) Create a cumulative effect that would be a sinister, far reaching, significant health risk We have enough sources of radiation without consciously adding to it. The example given by the industry proposition of one metal desk exposing a worker, to make it personal, You,

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for example, to the equivalent of one extra chest x-ray a year, is misleading. This sounds benign, until you add that to the effect of your recycled car, your recycled toaster, your silverware, your house wiring, nails and studs, your paper clips, the fancy pen you like to keep in your shirt pocket next to your heart, and on and on. *Given the track record of the nuclear industry, we can expect abuses of safety limits.* How is anyone going to be able to track the plant, and batch of "over the limit" metal? The impetus to cheat is clear. What will be the recourse of the common person, when s/he finds out that the baby's crib exceeds the "allowable limit" by two or three hundred percent? Will the government end up suing the nuclear industry after the fact, just as it's suing the tobacco industry? Why start this cycle when we don't have to? How many more years do you expect to live? The cumulative exposure is far greater than what we are being led to believe. Would you choose to do that to yourself, just to save the profit margin of a few utility companies? Once your grandchildren get leukemia, and you are dying from a non-specific mystery disease, you'll understand, but then it will be too late.

4) Ultimately increase pressure on production for "pure untainted " metal. All too soon, no one will want anything to do with anything made from any recycled metal. Informed people will regard any recycled metal product with suspicion. It might be radioactive. Just as the "organic" food industry has really started to take a market share throughout the world, the public will reject this metal on a large scale. (Unless its sold at below market value to unknowing, poor populations. But we wouldn't do that, we'd only produce for sale in the US, right? There aren't any poor folks living near you that would bring this stuff into your neighborhood, are there?) The world will start to demand metal made from virgin materials. Just as the food industry giants would love to change the definition of " organic" to get into the market with minimal cost, the nuclear industry is attempting to change the definition of "low level waste". The pressure to mine and use our limited natural resources will ruin any hope to preserve our reserves, and the land that they happen to be buried in.

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5) Put a lot of companies that handle recycled metals in the position of great expenditures to protect their workers. From collectors, to smelters, to truckers. Everyone surrounded by more than "one metal desk" will need to change the way they operate. Look at the expenses of facilities that already handle low level waste in this country. *The industry's health assurances are misleading. Instead of protecting the people, it is attempting to change the allowable limits. The risks will increase, not decrease.*

6)The implications are that the entire us economy might easily be affected. It would only take one or two major trade partners to reject anything metal produced by the US to set our national economy into a downward spiral. Good luck trying to sell radioactive products openly to the British, Germans, or Canadians.

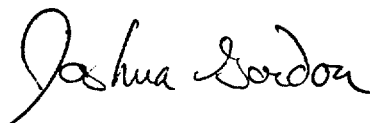
Clearly, this is not the way we want the world to go. From the beginning, we have been deliberately deceived, lied to, manipulated, and some even murdered, by those who have lost sight of their primary mission to protect our safety. As a result of public outcry, special government oversight agencies have had to be created to try to stem the safety breaches of an industry that has demonstrated time and time again, that it cannot be trusted with the "moral dilemma" of profit vs. safety.

The principal tenant has shifted from "no risk", to "an acceptable risk". Instead of safety, the solvency of a company or three, and the profits of an industry, have become the motivating principle behind policy decisions.

I ask you, is it necessary to release hundreds of thousands of tons of radioactive metals into the environment? **The answer is clearly NO. Please do your utmost to stop the recycling of radioactive materials into the market for consumer goods. The stuff needs to be isolated and disposed of properly.**

Thank you for your attention.

Sincerely, Joshua Gordon



The Story in the Trade Press
Conflict of Interest Charges Raised

George Lobsenz is the executive editor of the Energy Daily. This article first appeared there and is reprinted courtesy of King Publishing Company.

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Editor's Note: This story was published on November 8, 1999 under the title, "HOUSE DEMS ATTACK TENNESSEE, NRC ON DOE RECYCLING PROJECT."

Amid charges of conflict of interest, three senior House Democrats have sharply criticized the Nuclear Regulatory Commission and Tennessee regulators for allowing an Energy Department contractor to recycle tons of decontaminated metal flowing from a DOE nuclear cleanup project.

Led by Rep. John Dingell of Michigan, the ranking Democrat on the House Commerce Committee, the lawmakers charged in a recent letter to NRC that the Tennessee Department of Environmental Conservation did not have legal authority to grant a license for the contractor to sell some 6,000 tons of decontaminated nickel for commercial reuse in national markets.

"We are asking for an immediate investigation of the license...so that we may further review its legality," said Dingell and Reps. Ron Klink (D-Pa.) and Edward Markey (D-Mass.).

"The license...would authorize for the first time since the passage of the Atomic Energy Act the totally unrestricted transfer or sale by a radioactive waste processing company of massive and continuing amounts of radioactive byproduct material without any labeling or use restriction requirements. It also marks the first time that licensed [nuclear] material has been allowed to be released into interstate commerce without a license from the NRC itself."

No NRC Standards

The lawmakers said their staff had conducted their own review of the Atomic Energy Act and relevant NRC regulations to assess the legality of Tennessee's action and, "we are at a loss to determine under what authority Tennessee issued this license amendment....We

are seeking to determine whether the NRC is carrying out its statutory responsibilities pursuant to its established regulations."

The lawmakers said Tennessee's action was questionable in that the state is legally required to follow NRC safety standards--and NRC has no formal standards on release of contaminated metals and other materials derived from cleanup of nuclear power plants and DOE nuclear weapons facilities. Further, they said Tennessee was effectively setting a national deregulation standard and thus preempting NRC's specific regulatory responsibility under the Atomic Energy Act to set national policy on radiation safety.

NRC officials declined immediate comment on the lawmakers' letter or Tennessee's approval of the license for BNFL Inc., the contractor planning to recycle nickel components removed during cleanup of the K-25 uranium enrichment plant at DOE's Oak Ridge site in Tennessee.

But the lead Tennessee regulator on the issue told The Energy Daily Friday the state's action was entirely legal and appropriate.

Eddie Nanney, acting director of Tennessee's Division of Radiological Health, said while NRC and the state had no formal release standards, there were NRC safety criteria that many states used to allow release of decontaminated metal and other materials.

"There are NRC criteria that the state of Tennessee and other states use on a routine basis to release tons and tons of metals that meets the criteria," he said. "The levels of radiation are very, very low....They meet anyone's [safety] criteria."

Radioactivity Distributed Throughout

However, the NRC criteria concern surface-contaminated materials. NRC has acknowledged that it has no clear standards on recycling of so-called volumetrically contaminated materials -- such as the metal being recycled from DOE's Oak Ridge facility in Tennessee. These are materials that -- unlike surface-contaminated materials -- have radioactivity distributed throughout the items.

NRC earlier this year issued staff papers and a technical report evaluating whether the commission should issue a rulemaking on

recycling of volumetrically contaminated materials derived from cleanup of decommissioned nuclear facilities.

In issuing the papers, NRC noted that it had regulatory guidance on surface-contaminated materials, which are relatively easy to decontaminate. NRC applies the guidance on a case-by-case basis when it receives material release requests from industry. The guidance basically requires that residual radiation levels be well below natural background levels.

While the guidance concerns only surface-contaminated materials, NRC officials said in a March 31 memo that the commission has allowed release of volumetrically contaminated materials if they have been surveyed and found to have "very low amounts of contamination that is not detectable with appropriate survey instruments."

But the memo to NRC commissioners added: "This method provides inconsistent and generally unsatisfactory licensing guidance because different survey instruments have different levels of detection. This can lead to disagreements and confusion over permissible levels of release and nonuniform levels of protection."

The memo said a rulemaking might be useful in clarifying the regulatory approach for disposal or release of all contaminated solid materials recovered from cleanup of decommissioned nuclear power plants and DOE nuclear weapons facilities.

However, previous NRC efforts to set such standards for materials release have proved controversial. The last time NRC tried to take that action in 1992, antinuclear groups strongly protested release of even minimally contaminated materials as unsafe, and Congress ultimately stepped in to halt the commission's initiative.

The same objections--and a new controversy--arose last week at a public hearing called by NRC on its new rulemaking initiative.

As in the past, antinuclear activists and other critics charged at the hearing that NRC's residual radiation limits would not be protective enough and that no recycling should be allowed.

Conflict of Interest

But in a startling new allegation, a DOE workers' union said NRC's rulemaking effort was compromised by a conflict of interest involving a contractor who helped write the commission's technical report on the metal recycling issue.

Specifically, the Paper, Allied-Industrial, Chemical and Energy Workers union (PACE) said the NRC report was primarily authored by experts with Science Applications International Corporation (SAIC), a consulting firm hired by NRC.

At the same time, the union pointed out, SAIC is a subcontractor to BNFL on the Oak Ridge cleanup and metal recycling contract. Specifically, SAIC is in charge of regulatory compliance for the BNFL recycling project. Further, the union said SAIC had sought a contract related to another metal recycling project at a different DOE site.

"The commission has apparently failed to inform the public...that SAIC has a substantial interest in the outcome of [NRC's rulemaking] proceeding," PACE said. "The commission's reliance on SAIC, particularly where it has failed to provide simultaneous public disclosure of the full range of SAIC's interests in the promotion of recycling and release of radioactive materials, is inexplicable."

NRC officials declined to comment on the allegations of conflict of interest other than to say they are reviewing them. SAIC officials declined comment.

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