

**NUCLEAR INFORMATION & RESOURCE SERVICE
SIERRA CLUB_PUBLIC CITIZEN_REDWOOD ALLIANCE
COMMITTEE TO BRIDGE THE GAP**

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5 Groups Sue Dept. of Transportation for New Rules that Allow Nuclear Waste to Move Unregulated, Unmarked

Five public interest organizations filed suit in a Northern California federal district court against the US Department of Transportation (DOT) for its adoption of rules which reduce public protections by allowing more radioactivity to move on roads, rails, planes and waterways without regulatory control. The groups are Nuclear Information and Resource Service, Sierra Club, Public Citizen, Redwood Alliance and Committee to Bridge the Gap. The groups are calling for withdrawal of the portions of the rule that exempt and weaken nuclear transport controls and for full environmental impact review.

The regulations exempt various amounts of every radionuclide (all the radioactive forms of each element) from radioactive labeling, tracking, and control. They also allow some nuclear materials to be shipped without packaging. The groups will also challenge, in a separate case, the Nuclear Regulatory Commission (NRC) which simultaneously adopted the same regulations. A whole new category of exempt quantities has been adopted—allowing radioactive packages (called consignments) to be considered not radioactive in transport. The exempt concentration limits have changed, exempting higher concentrations for more than half of the hundreds of radionuclides listed.

“At a time of heightened concern about dirty bombs, the federal government should not increase the amount of nuclear material that can be transported without any labeling or tracking. This is the exact wrong time to let go of nuclear materials and wastes,” stated Diane D'Arrigo, Radioactive Waste Project Director at Nuclear Information and Resource Service. “Watching for and detecting dirty bombs will be harder if more radioactive materials are shipped routinely without placards or manifests.”

“Workers and the public will be exposed to radiation without their knowledge or consent. It is forced radiation exposure,” charged Wenonah Hauter, director of Public Citizen's Critical Mass Energy and Environment Program.

Truck drivers, rail workers, loaders, emergency responders, even postal workers could be exposed routinely to more radioactivity than before without warning. Workers in the transport and shipping industries will get the highest doses but everyone who lives, works and travels along the routes could come into regular contact with unidentified nuclear waste. According to

calculations in the DOT rule, truck drivers could get more radiation from hauling unmarked radioactive materials than one is allowed living next to a nuclear reactor or weapons site. DOT admits workers and the public will have more exposure to radioactivity but discounts the dangers of radiation, failing to consider the impacts on those more susceptible to radiation like children, the fetus, women and those with reduced immunity.

The transport rule fits into a larger picture of deregulating nuclear waste. Other federal agencies including the NRC, the Environmental Protection Agency (EPA) and the Departments of Energy and Defense (DOE, DOD) are in various stages of deregulating nuclear wastes and sites over which they have jurisdiction. If they proceed with deregulating nuclear wastes as now proposed, radioactive materials could go to municipal and industrial landfills, incinerators and scrap recycling centers. Workers at those sites would be regularly exposed to more man-made radiation. Changing the transport regulations makes taking unmarked nuclear loads to unregulated destinations possible once they are cleared by those other agencies.

“Removing existing requirements for labeling in transit will make it easier for other agencies to let nuclear wastes get out into commerce. The public will be exposed both during transport and then again from the products, buildings and roads made from nuclear contaminated materials,” explained Dan Hirsch, President of the Committee to Bridge the Gap.

“That is the real motivation,” said Dr. Judith Johnsrud of the Sierra Club, “to assist the nuclear industry in treating some nuclear waste as if not radioactive. This saves the nuclear generators money and pushes the economic and health burden onto unsuspecting transporters, recyclers, local governments, the public and the environment.”

No meaningful justification for the exemptions is provided by either DOT or NRC for relaxing restrictions on nuclear materials transport. The exempt concentrations and amounts adopted are the same as those recommended by international nuclear advocacy organizations to allow nuclear waste to be cleared for commercial recycling.

“It is not a coincidence. This weakening of the nuclear transport laws is a deliberate attempt to bypass the American public’s opposition to nuclear waste deregulation and release into everyday commerce. DOT and NRC are teaming up with the global nuclear industry to make nuclear power appear cheaper while putting transport workers, the public and environment at unnecessary radioactive risk.” said Michael Welch of the Redwood Alliance.

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For more information on Nuclear Information and Resource Service (NIRS), go to www.nirs.org

For more information on Public Citizen, go to www.citizen.org

For more information on Redwood Alliance, go to www.redwoodalliance.org

For more information on Sierra Club, go to www.sierraclub.org