

F.A.C.T.S.

(For A Clean Tonawanda Site)

Mailing Address: Box 566 Kenmore, NY 14217-0566 Phone: (716) 876-9552

Staff Members: Don Finch, Ralph Krieger, James Rauch

Purpose: To disseminate in a timely manner factual information relating to the cleanup of the Tonawanda nuclear waste site. Also, to serve as a resource to help interested citizens obtain relevant site-related materials. FACTS supports the complete removal of Tonawanda's radioactive waste to a dry, secure, site much more suitable for the long-term management of these wastes.

We would like to thank those who took time to call or write giving their opinions and suggestions concerning the F.A.C.T.S. Newsletter. With your input, the service provided by the newsletter can only improve. (One improvement we are making is to explain technical phrases or terminology that may be used in the text.)

CORRECTIONS: November issue of F.A.C.T.S. Newsletter:

page 6, paragraph 5 - 'containment' should be 'contaminant';

page 8, references 10 & 11 - 'Coalition on West Valley Nuclear Sites' should have been 'Coalition on West Valley Nuclear Wastes'.

HEALTH CLAIM BROUGHT AGAINST LINDE

In December 1994, the family of an OCAW worker, with the help of Local 8-215 Oil, Chemical & Atomic Workers International Union (OCAW) representing hourly workers at Praxair/Linde, filed a workmens compensation claim against Praxair/Linde/Union Carbide.

The worker had contracted lymphatic cancer which is alleged to have been caused by his exposure to ionizing radiation in the workplace. The claim was brought following the worker's death. He had worked approximately 32 years at Praxair/Linde.

Additional claims are being researched for possible action against the above companies. We will keep you advised of further developments.

WHAT'S HAPPENED SINCE OUR LAST ISSUE ?

A letter was sent to DOE Secretary Hazel O'Leary expressing concern that : 1) a change in the Secretarial Policy on the National Environmental Policy Act (NEPA) made on 6-13-94, and 2) the release of the new draft Proposed Tonawanda Work Plan on 10-18-94, meant the already agreed upon NEPA review process at the Tonawanda site was being terminated. In the letter, it was pointed out that *the use of NEPA values in the evaluation of remediation alternatives is essential to the selection of an effective, long-term management plan for Tonawanda's radioactive wastes, and that DOE had also made this determination six years ago.* (see November, 1994 FACTS, page 6).

(continued page 2)

On December 7, 1994 DOE responded:

The Secretary's policy specifically stated that if a site is performing an environmental review under the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA], then it is no longer required to also conduct an assessment under the National Environmental Policy Act process. However, the program offices may chose to continue to integrate the two processes, where they believe it would contribute to meeting the needs of the stakeholders. In the case of the Tonawanda Site, the program office plans to continue to integrate the National Environmental Policy Act and Comprehensive Environmental Response, Compensation, and Liability Act processes and emphasizes that the National Environmental Policy Act process has not been terminated.

However, the draft Proposed Work Plan makes no mention of NEPA values or the resumption of the Environmental Impact Statement (EIS) review process (see below "Problems with the draft Proposed Tonawanda Work Plan").

- Despite numerous verbal and written requests from interested citizens for access to CANiT meetings, CANiT continues to conduct its business behind closed doors. A written request for information about what was discussed in "a few sensitive decision-making meetings last year" (BUFFALO NEWS, 10-19-94, "Next step in cleanup debated") has not been answered.
- CANiT is composed of politicians who, in matters related to their public capacities, are accountable to the public, i.e. they must respond to freedom of information requests and abide by the state open meetings law. However, under the umbrella of CANiT, these public servants apparently wish to avoid such public accountability in their affairs concerning the Tonawanda site. We wonder why this openness problem continues.
- Some CANiT members have expressed their fear DOE is "attempting to find a group that will agree with them" (BUFFALO NEWS, 1-20-95, "Bid to widen cleanup talks draws fire"). FACTS agrees that DOE might be quite pleased if they could form a small group willing to support DOE's inadequate remedy (landfilling the wastes along the Niagara River). However, we do not believe this to be a realistic possibility given the virtually unanimous public opposition to DOE's preferred alternative which has been registered to date. In fact, we think that broader public participation by concerned citizens and technically competent environmentalists is helpful and perhaps necessary in ensuring that DOE's inadequate alternative is not selected, but rather a sound, long-term remedy is chosen instead.

**PROBLEMS WITH THE DRAFT PROPOSED TONAWANDA WORK PLAN,
October 18, 1994**

- The proposed plan makes no mention of using NEPA values in the process of evaluating waste management alternatives, despite DOE's having made, and recently re-affirmed, such a commitment (see above). Instead DOE proposes on page 5 of the Proposed Plan to use the EPA's less stringent CERCLA (Superfund) criteria. Because of the indefinite nature of the waste's hazard, more than 500,000 years, the NEPA values of *long-term effectiveness and permanence* must be given special emphasis in the evaluation of waste management alternatives.

(continued page 3)

- The remediation alternatives offered by DOE (in section III, pages 5-6) represent a narrowing of the alternatives presented over a year ago in the Feasibility Study (FS). *In place of the complete removal alternatives given in the FS, i.e. alternatives 2 and 3, which include removal of the "access-restricted soils in the Seaway landfill, the excavation options now offered call only for removal of "all accessible material above DOE guidelines".*
- *DOE proposes to use DOE cleanup guidelines, instead of following New York State guidelines for cleanup of radioactively contaminated soils, i.e. TAGM-4003, which are ten times lower (see November FACTS, page 3).*
- *The proposed plan does not address significant deficiencies in the EIS documents. These deficiencies, identified by the public in comments made a year ago, included among many others: a failure to address the fate and remediation of the radioactive effluents injected into the wells on the Linde property and discharged to Tonawanda's storm and sanitary sewers and Two Mile Creek (altogether totaling over half of the site's radioactive contamination), and numerous problems with the design, accuracy, and conclusions drawn in the Baseline Risk Assessment (see COMMENTS ON RI/ES-EIS FOR THE TONAWANDA, NEW YORK FUSRAP SITE, 2-6-94, by James Rauch).*

Instead, the only information-gathering goal proposed is a year-long treatability study to determine if large-scale volume reduction methods can be of any benefit, in terms of decreasing the cost of offsite disposal, for the Tonawanda Sites' contaminated soils. To be of benefit the volume reduction achieved must be at least 80%, according to DOE. While volume reduction is a desirable goal, the treatability issue has already been analyzed in the FS. This analysis eliminated further consideration of all volume reduction methods, both physical and chemical, as being unsuited and/or not cost-effective for the soil composition and contaminant concentrations at the Tonawanda Site (see pages 3-20, 3-29 and -30, 3-42, and 3-46 through 3-48 of the FS).

We wonder why DOE suggested and now insists on pursuing this study, knowing that Tonawanda's soils are more than 85% clays, and therefore subject to less than a 15% volume reduction by physical methods (the approach being taken according to the description in DOE's FUSRAP UPDATE, THE TONAWANDA SITE, January 1995).

- Contrary to assurances by DOE of broad public participation throughout the process, the proposed plan seeks to set up a *small* 'working group' of 'stakeholders'. In practice, this may limit public input to and awareness of the process.

HUGE DOE BUDGET CUTS PROPOSED

The new Congress has proposed cuts in DOE's '95-'96 budget of up to 10.6 billion dollars, almost half of DOE's current total budget. Clearly, any significant cut in DOE's budget will seriously cripple the cleanup of nuclear waste contamination across the DOE weapons complex, including the Tonawanda Site. To date, there has been no firm indication that funding and responsibility for cleanup of the DOE complex would be transferred to the EPA or any other agency.

(continued page 4)

At the same time, the new Republican Congress is proposing in the National Security Restoration Act (item 6 of their Contract with America) to fund much larger increases in defense spending. We believe Congress must give priority to cleaning up the DOE complex, not to more wasteful defense spending. We have won the 'Cold War' but the effective cleanup of the Cold War's vast nuclear legacy is a Herculean task which should be completed before we consider the creation of any more such nightmares.

Please make your views on this crucial issue known to our Congressmen.
Their Washington addresses and phone numbers are:

Representative John LaFalce
2310 Rayburn Building
Washington, D.C. 20515
(202) 225-3231

Representative Bill Paxon
2436 Rayburn Building
Washington, D.C. 20515
(202) 225-5265

Representative Jack Quinn
331 Cannon Building
Washington, D.C. 20515
(202) 225-3306

Senator Alphonse D'Amato
520 Hart Building
Washington, D.C. 20510
(202) 224-6542

Senator Patrick Moynihan
464 Russell Building
Washington, D.C. 20510
(202) 224-4451

What others are doing : An Editorial

On November 16th, I attended a dinner sponsored by the Cheektowaga Clergy Association. St. Luke Lutheran Church (900 Maryvale at Union in Cheektowaga) was the host. The purpose of the dinner was to have a community get together. Those attending were pastors and members of area churches as well as residents from the Pfohl dump area. This group appears to be very active in matters concerning their locality. In spite of the adversity of health problems, everyone attending had a good time. Dinner was buffet style and you couldn't ask for any better food. I understand that one of the ladies spent three days making all the holiday cookies that we enjoyed for dessert.

Why am I relating all this, you wonder? It just felt good to be in the fellowship of a group of concerned residents. They've been thrown a foul ball, Pfohl Dump, but yet put all that aside for the evening. After dinner, I was able to meet with a few of the activists. Some people look at activists as a bunch of troublemakers, but is it the activists who have made the trouble? I see the environmental activists that I know as being concerned individuals who have a sincere desire to try to solve serious problems in the community or region - problems they often had no part in creating.

My dream, and perhaps yours, is to see the time when we in the Town of Tonawanda and the surrounding area will have the Ken-Ton Clergy Association and the concerned residents working together to explore avenues that will lead to a solution to the foul ball, radioactive contamination, that we've been thrown. This problem has been with us for almost 50 years and we're apparently no closer to a permanent sound waste management solution today than we were almost five years ago when the remediation process started. Meanwhile, the areas of contamination keep growing and, eventually, we'll have a desolate piece of wasteland not suitable for anything but memories of what used to be. Is this really what we want to leave to our heirs?

Don Finch

RADIOACTIVE MATERIAL POSES NO HEALTH THREAT ???

The following excerpt is from page 12 of DOE's Work Plan-Implementation Plan for the Tonawanda Site (December 1992 Draft), Section 3.3 Summary of Community Concerns:

Some of the major concerns expressed by community and local officials, in addition to the now-resolved concern regarding the waste from Colonie, are: [in part]

"Some people question whether remedial action at the four properties is necessary because the radioactive materials have been in their present location for many years without posing any apparent health hazard". [emphasis added]

We wonder who are the "some people" DOE refers to? Are they informed area residents? Not likely. Or are they figments of a DOE imagination? Why would DOE make such a statement after having determined that the Tonawanda site requires remediation to protect the public health?

Also, is it true that the radioactive materials have not caused any "apparent health hazard"? Not so, according to Ralph Krieger, President of Local 8-215 Oil, Chemical and Atomic Workers International Union. He says there are many cases of various types of cancer among the hourly (factory) workers at Praxair/Linde. It is believed that many of these cancer cases are the result of long-term exposure to ionizing radiation from 'low-level' radioactive waste at the Praxair/Linde site.

As Ralph has stated many times, "We're not taken in by DOE's attempts to minimize the seriousness of the site's contamination problems. Instead, we're too busy counting the coffins as we put our fellow workers to their final rest."

In a related matter, Site Manager Ron Kirk was recently quoted (BUFFALO NEWS, 1-20-95, "Bid to widen cleanup talks draws fire") as saying "If the community doesn't want to talk about it, inaction is certainly an option because of the low-level (of radioactivity)." This is an irresponsible statement given the extensive nature of the contamination and, in particular, DOE's clearly established commitment to cleaning the Tonawanda Site.

'LOW-LEVEL' RADIOACTIVE WASTE & CANCER

DOE and other government agencies would have us believe that there's no real harm in 'low-level' radioactive waste (LLRW). Yet, experts on this subject tell us otherwise.

This month, we'll give a brief overview of the relationship between long-term exposure to LLRW and cancer, and share some information that we have obtained through the environmental network.

But first, what is so-called 'low-level' radioactive waste (LLRW)? A common assumption that all 'low-level' waste is safe, as the name seems to imply, is incorrect. The term LLRW refers to a broad catch-all category of radioactive waste which is defined in law by exclusion, i.e. what it is not.

(continued page 6,

LLRW is radioactive waste that is not high-level radioactive waste, spent nuclear fuel, transuranic waste, or the tailings or waste produced as a result of the extraction or concentration of uranium or thorium from ores processed primarily for their source material content, or military radioactive waste (which is the responsibility of the federal government) or reprocessed or reprocessing waste. It includes very short-lived, only slightly radioactive medical waste materials. It also includes highly radioactive, long-lived nuclear reactor internal parts (seconds of exposure to the radiation from such parts will result in death). And just about everything in between. Therefore, as an indicator of hazard the term LLRW by itself is meaningless. Also, according to the definition, the uranium/thorium ore processing wastes at the Tonawanda Site are not LLRW.*

The following text is taken from a document that was once stamped **SECRET**. The title of this report is "SUMMARY, MEDICAL RESEARCH PROGRAM, 1943-1946." The foreword was written by Joe W. Howland, Major, US Army, Chief, Research Branch, Medical Division. The material is quoted verbatim:

[page 2]"Foreword: The following series of abstracts was prepared by the undersigned from complete research reports, partially completed and analyzed data and personal communications during the period of 1 May 1946 to 1 July 1946. Since that time much of the work has been finished and issued in the form of program or final reports. However much is being continued and the results as yet unpublished.

***NOTE:** From a public relations and waste management perspective, DOE prefers to regard such wastes as 'low-level', implying low hazard, because there is such a tremendous volume of them to deal with and because they are not highly radioactive. Since these wastes have a greater than 500,000 year half-life however, they represent a serious long-term threat to life if they are not isolated from the environment during this entire period. Thus far, DOE has failed to acknowledge the foolishness of pursuing a less costly (initially), inadequate, short-term waste management plan, (i.e. clay containment at Tonawanda which may fail in 200 years or less, and require many 're-remediations') when much longer term, more secure waste management options are available (in Nevada or Utah) which would produce tremendous long-term waste management cost savings. This is a clear case of government short-sightedness, or "penny wise and pound foolish" if you will.

It has been known and accepted for decades that ionizing radiation from radioactive material causes cancer, birth defects, and inheritable genetic defects. However, the finding that these effects of ionizing radiation have no safe or 'no threshold' dose (i.e. a dose below which these effects do not occur) has only recently been accepted by the official (government) scientific community (see report of the National Academy of Sciences' Committee on the Biological Effects of Ionizing Radiation [BEIR V], 1990). The significance of this 'no threshold' finding is that, since even the lowest exposures to ionizing radiation can cause health effects, the long-term exposure of populations to additional doses from contaminated sites such as Tonawanda is likely to produce significant cumulative health effects. Over the years, numerous studies have established this 'no threshold' finding, including one from the late 1940s we recently came across.

(continued page 7)

[page 45] We are forced, on the basis of these findings, to conclude that there is no tolerance dose of radiation below which mutation does not occur. Our data indicate that a dosage of about 35r actually doubles the natural lethal mutation rate in flies. Less extensive data on visible mutations seem to show the same relationship.

If these findings can be shown to have transfer value to the effect of radiation on the human race through their corroboration on the mouse, a mammal, then it becomes clear that radiation in dosages which may be tolerated by the body of man may have dire effects upon the human germ-plasm. In terms of society and the human race the risks can only be stated when a statistic on the proportion of individuals of reproductive age exposed to low dosage radiation is introduced. For the individual exposed and his descendants, the risk is obviously much greater. These facts should be carefully considered in any proposed use of atomic energy on a large scale". [emphasis added]

At this point, we wish to stress the fact that these Army studies, which concluded that "there is no tolerance dose of radiation below which mutation does not occur" are from the 1940s.

- In many studies dealing with the LLRW and cancer relationship, you will find three names mentioned time and time again: Dr. Thomas Mancuso, Dr. Alice Stewart, and Dr. John Gofman. We will give you a thumbnail sketch of each.

Dr. Thomas F. Mancuso, M.D., M.P.H. is a Diplomate, American Board of Preventive Medicine, Specialty of Occupational Medicine. Dr. Mancuso was hired by the government to study the effects of radiation on 225,000 workers at nuclear weapons plants. When he completed his lengthy, thorough studies he made the results of his studies public. His reward? He was summarily fired, his records seized and he was not allowed further access to these records.

Dr. Alice Stewart, University of Birmingham, England, did research on radiation epidemiology was later given access to Dr. Mancuso's research. Earlier, she had also worked with Dr. Mancuso. Dr. Stewart's work established a strong relationship between cancer and long-term exposure to low-level ionizing radiation. What's pertinent to note at this point is that some of Dr. Stewart's work included 90,000 nuclear workers at the Savannah River Plant in South Carolina, the Linde Plant in Tonawanda, N.Y., and two plants at Oak Ridge, Tennessee.

Dr. John Gofman, M.D., Ph.D., Professor Emeritus in Molecular and Cell Biology at University of California Berkeley, and also head of the Committee for Nuclear Responsibility in San Francisco, has been conducting extensive studies on the connection between radioactive exposure and cancer. One of his books is: RADIATION AND HUMAN HEALTH, Sierra Club Books, San Francisco, 1981. (available through your local library)

- At Ross, Ohio, near the Fernald radioactive waste site, a local environmental group has a map of the local area posted on the wall and on this map is a pin representing each case of cancer suffered by residents of the locale. The clustering of pins makes an impressive argument against those who say there's no harm in LLRW. It might be a good project for us to emulate.

Q & A CORNER:

Due to the many questions that have been generated since the inception of the FACTS Newsletter, we decided to devote some space to answer a few of these questions:

- 1. *Is there any basis to the rumor that they've found more radiation at Linde than what shows on the maps?*

Ans.: FACTS has learned that recently Praxair/Linde started to do some excavating between Buildings 70 and 90 to install a receiver to drain the driveway area. At about 1 to 2 feet down the digging was stopped due to readings of radioactivity encountered. The soil that was removed was taken to Building 30 (which is now a restricted area), the cement truck was called in and the hole was immediately filled with cement. After looking at several maps showing the radioactive contamination at Praxair/Linde, we found no indication that this was a 'hot' area. Now the question is - is this a 'hot' area that was overlooked in previous surveys or is the radioactive material migrating?

- 2. *Can we trust the data that DOE has produced for the Tonawanda site?*

Ans.: This is a good question, but unfortunately we can't answer it. One thing we do know is that Science Applications International Corporation (SAIC), the company that did the Baseline Risk Assessment and Feasibility Study and that is doing the current treatability study for the Tonawanda site, was found to have submitted fraudulent data in 1991 at several Environmental Protection Agency (EPA) cleanup sites. As a result, EPA suspended doing business with SAIC until SAIC sold off the offending division. (see "SAIC division suspended on CLP fraud charges", Superfund, August 24, 1990, and "Testing-lab employees plead guilty to fraud charges", Superfund, November 30, 1990)

- 3. *Has FACTS been in contact with other organizations on the radioactive issues?*

Ans.: FACTS has been in contact with environmental groups including - Marcia Van Dewark of Regional Environmentalists And Concerned Homeowners (W.N.Y.-R.E.A.C.H.), Jean Dickson of Buffalo Greens, Alex Cukan of Interfaith Center For Environmental Stewardship (I.C.E.S.), private citizens; experts in epidemiology - including Dr. Dianne Quigley, Director of Childhood Cancer Research, (Dr. Alice Stewart's stateside representative); and others involved with radioactive waste issues including Tim Henderson of Residents Organized for Lewiston-Porter's Environment (R.O.L.E.); Lisa Crawford of Fernald Residents for Environmental Safety and Health (F.R.E.S.H.), Fernald, Ohio. We have been in frequent contact with others in the environmental network. These contacts and relationships have been helpful and sometimes important sources of useful information.

NOTE: We will continue to keep you advised as more information becomes available from the environmental network, Union and other reliable, independent sources.

ADDRESS CORRECTION REQUESTED

F.A.C.T.S.
P.O. Box 566
Kenmore, NY 14217-0566

The U.S. Department of Energy (DOE) has scheduled a

**Remedy Discussion with the
Tonawanda Community**

Tuesday, January 31, 1995

7:00 to 9:00 p.m.

Holmes Elementary School Cafeteria

365 Dupont Avenue

Tonawanda, New York

We urge you to attend this meeting and express your views concerning DOE's Proposed Tonawanda Work Plan. Please see article on page 2, "Problems With The New Draft Proposed Tonawanda Work Plan".