

NUCLEAR MONITOR

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UTAH'S RADIOACTIVE ROLLER COASTER RIDER: "HOTTER" WASTE DUMP DEFEATED, BUT "HOTTEST" WASTE DUMP ADVANCES

In the U.S. anti nuclear activist celebrated a Utah state law banning dumping of radioactive waste with higher levels of contamination in the Envirocare "low-level" waste dump, but were taken by surprise one day earlier by the decision to reverse a two year old NRC ruling that the risk of accidental military aircraft crashes into the proposed PFS storage site for high-level waste was too high.

(623.5662) NIRS - On Feb. 25, anti-nuclear activists celebrated a hard-won victory: a state law banning the dumping of higher-activity radioactive waste in Utah. The "Envirocare" "low" level radioactive waste dump west of Salt Lake City has long accepted Class A wastes (mostly contaminated soils and other nuclear reactor debris) from across the U.S., but also has tried for years to obtain permission to accept Class B and C wastes (thousands of times more radioactive than Class A).

Attending Utah Governor Jon Huntsman Jr.'s signing ceremony for the new law, Jason Groenewold, executive director of HEAL (Healthy Environmental Alliance of) Utah – a leader of the grassroots fight for the ban — said "It's a huge accomplishment and a great victory for the citizens of this state, because had the public not been involved and concerned about nuclear waste disposal, we never would have

gotten to the point where nuclear waste was banned." (1)

Marring the celebration, however, was the previous day's rulings by a U.S. Nuclear Regulatory Commission (NRC) Atomic Safety Licensing Board (ASLB) that dismissed the State of Utah's final two remaining contentions against the proposed Private Fuel Storage (PFS) "interim site" for 44,000 tons of commercial irradiated nuclear fuel targeted at the tiny Skull Valley Goshutes Indian Reservation (45 miles west of Salt Lake City, and already long surrounded by numerous other toxic facilities).

In a 2-1 split decision, the ASLB judges reversed their own earlier decision of March 2003 that the risk of accidental military aircraft crashes into PFS was too high (see the present ruling, including the minority's blistering dissent, at www.nrc.gov/what-we-do/

regulatory/adjudicatory/pfs-aircraft05.pdf).

The ASLB also dismissed the state's contention that PFS would not be "temporary," but would become a de facto permanent high-level waste storage site, despite Department of Energy statements, that it would not accept PFS wastes at its proposed, troubled Yucca Mountain burial dump in Nevada. Contradicting its own ruling, the ASLB indicated that PFS may store waste for not just 40 years, but perhaps a century or longer!

The rulings conclude the ASLB proceeding begun in June, 1997 in which 125 contentions against the dump were ultimately resolved in favor of PFS. This paves the way for the five member NRC Commission to order a license for the PFS site.

Undaunted, Utah will appeal the ASLB decisions to the Commissioners by mid-March. The Commission, which has pushed for an expedited decision on the PFS license for years, could rule as early as the end of March, although the timing is not clear. Utah could, if necessary, appeal to the federal courts, as well as to U.S. Dept. of Interior agencies which must approve PFS's lease agreement with the Goshute tribe and waste transport plans in Skull Valley. (2) PFS CEO John Parkyn hailed the ASLB

IN THIS ISSUE:

| | |
|--|----|
| Utah's radioactive roller coaster rider: "hotter" waste dump defeated, but "hottest" waste dump advances | 1 |
| Earthlife victory in court on PBMR EIA | 2 |
| Radwaste in France: debate and huge financial hole | 6 |
| Uranium mining issues review 2004 | 6 |
| In brief | 10 |

Satomi Oba
In memory of our dear friend and colleague

Sad news came to us that our dear friend Satomi Oba in Hiroshima, Japan has died. Only in middle age and as active and vital as anyone, her death is a shock to all of us.

Besides numerous other activities and responsibilities, Satomi was also the official WISE/NIRS relay in Japan and personally translated and published the Japanese edition of the *Nuclear Monitor*. She introduced WISE Amsterdam to the No Nukes Asia Forum in 1997 and since then we have been working together closely, mostly of course by mail but we have always been so lucky to meet her personally a few times a year.

In our joint effort for a true, honest, clean and healthy world she has been an inspiration for the whole network. Brave she was: a women alone in Japan, taking care of her children and flying all over the globe to spread the word; stop the nuclear madness.

Modest, honest, fragile and strong at the same time, not afraid to speak out and make her point but always willing to seek for a positive outcome. We will miss her. Our thoughts are with her family.

May the good spirit be with her, forever.

From everyone at WISE and NIRS

level radioactive waste dump, but only PFS at Skull Valley has ever proceeded this far.

Individuals and groups can sign a letter (see www.nirs.org/alerts/02-24-2005/1) to the NRC Commissioners urging denial of the PFS license by emailing their name, group (if any), city, state, and country to kevin@nirs.org as soon as possible.

Sources:

- (1) "Governor Huntsman Puts Signature On Ban of Hotter Waste," KSL-TV, Feb. 25, 2005.
- (2) Patty Henetz, "Utah loses key battle over N-waste," Salt Lake Tribune, Feb. 25, 2005.
- (3) "Spent (sic) Nuclear Fuel Storage Site Recommended for Licensing," Dairyland Power Cooperative press release, Feb. 24, 2005.
- (4) N.S. Nokkentved, "Board rejects risk of jet crash," (Provo) Daily Herald, Feb. 25, 2005.
- (5) Kirk Johnson, "A Tribe, Nimble and Determined, Moves Ahead With Nuclear Storage Plan," New York Times, Feb. 28, 2005.

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ruling as "a great advancement for the nuclear industry in America." (3)

Groenewold responded "The feds are trying to say with a straight face that we should not worry about what happens if a jet crashes into [PFS], which is like saying don't worry about what happens if Charles Manson moves into your neighborhood." (4) Long-time leader of the opposition to

the dump within the tribe, Margene Bullcreek, said "We're concerned with health, but it's also the land we believe in. I think this could destroy whatever sacredness is there." (5)

Leading to charges of environmental racism, since 1987 scores of Native American tribes have been targeted by the nuclear establishment for a "Monitored Retrievable Storage" high-

EARTHLIFE VICTORY IN COURT ON PBMR EIA

On January 26, 2005, the Cape Town High Court in South Africa decided in favor of Earthlife Africa and set aside the approval for the Environmental Impact Assessment (EIA) of the PBMR. Earthlife Africa is a non governmental, non profit, voluntary association of environmental and social activists in Cape Town. Its purpose is to campaign against environmental injustices in the Cape Town area and to participate in environmental decision making processes with a view to promoting and lobbying for good governance and inform decision making

(621.5663) **Earthlife Africa** - ESKOM, the second respondent in this case wishes to construct a demonstration model 110 MW class Pebble-Bed Modular Reactor (PBMR) at the site of the only existing nuclear plant in South Africa near Cape Town.

Under South African law, projects with potential environmental impacts, such as the construction of a nuclear reactor, are required to undertake an

environmental impact assessment (EIA). Eskom, the proponents, engaged consultants to conduct an environmental impact assessment. Under the law, the public is supposed to be able to meaningfully participate in such processes.

The public including Earthlife Africa, commented on the DRAFT EIA document and also made vigorous efforts to obtain access to further

information and documents relating to the draft environmental impact assessment from government, Eskom, the consultants and others. Their efforts were however largely unsuccessful.

After receiving submissions from the public, including Earthlife Africa, the consultant produced a FINAL environmental impact report which it submitted to the Department of

25 YEARS AGO

What happened 25 years ago? We go back to news from our 1979 WISE Bulletin, comparing anti-nuclear news then and now.

Then

In *WISE Bulletin* vol. 2 nr. 2 we wrote about the cancellation of a reactor project in Egypt: "Plans for the construction of the first Egyptian nuclear power plant have had to be put off. The reason was the unanimous vote of the council of Alexandria. The reactor was to be built at Sidi Kreir, 30 km west of this city. The decision was strongly influenced by the Harrisburg accident and a petition from the population". (*WISE Bulletin* vol. 2 nr. 2, January/February 1980)

Now

Egypt opened its first research reactor in 1961, which was supplied by the Soviet Union. As early as 1964 it agreed with U.S. Westinghouse for the sale of a nuclear power plant, a project which was later victim of the 1967 Egypt-Israel war. In the mid-1970s Egypt relaunched the project and requested financial aid from the U.S. Export-Import Bank, which was rejected as the bank considered the request (US\$600 million – 1 billion) as "far too large".

Egypt ratified the Non-Proliferation Treaty (NPT) in 1981 and had ambitious plans for nuclear energy: 40% nuclear generation by 2000. It signed co-operation agreements with the U.S., France, Germany and Canada. (*The Nuclear Fix*, WISE, 1982)

Egypt has always blamed Israel for having nuclear weapons, but was also suspected of being capable to develop a nuclear arsenal. It has urged Arab nations to develop its own nuclear weapons against Israel. Egypt has operated a small-scale complex for plutonium extraction and was accused by Israel of cooperating with Pakistan, Iraq and Argentina to build a plutonium producing (research) reactor. (*The Risk Report*, September/October 1996)

In January this year, Egypt was accused of having conducted secret nuclear experiments. IAEA inspectors traced substances by environmental sampling but the tests had not been reported to the IAEA. The experiments involved the production of components of uranium and plutonium traces in the plutonium extraction complex. The experiments and the building of the plutonium facility had officially to be declared to the IAEA. It would also have involved the production of uranium tetra fluoride, which can point to an enrichment program. Most of the failures to report go back to the 1980/1990s.

An IAEA report late February confirmed the failures to report the illegal activities but downplayed a link to a secret weapon's program. This raised suggestions that IAEA director-general Mohammed El-Baradei, an Egyptian, had tried to cover up Cairo's secret program. Others however consider this "whispering campaign" as an attempt to sabotage a third term for El Baradei.

(*The Independent*, 5 January 2005; Associated Press, 4 January 2005; *The Times of India*, 28 January 2005; Middle East Online, 28 February 2005)

Environmental Affairs & Tourism (DEAT).

This final report differed substantially from the draft EIA report. However no opportunity was given to interested parties to comment on the report. On 25 June 2003, the Director General of the Environmental Affairs and Tourism awarded a requisite authorization in terms of section 22 (3) of the Environmental Conservation Act 73 of 1989 (ECA). This decision gave the green light for the PBMR to go ahead from an environmental perspective.

When it became apparent that it was not possible to gain a fair hearing, Earthlife Africa was forced to resort to court action

What was the basis for the court action?

The authorisation of Eskom's proposed pebble bed modular reactor came under judicial scrutiny on 29–30 November 2004 as a full bench of three judges considered whether the authorisation of the PBMR given on 25 June 2003 was unlawful.

The applicant in the case was Earthlife Africa. It brought the application to review the authorisation on its own behalf and in the public interest. Earthlife Africa argued that the Director General who authorised the PBMR was obliged to afford them a fair hearing before taking the decision to grant the authorisation and failed to, that he failed to properly address the problems posed by nuclear waste

and he abdicated responsibility to properly consider safety issues by deferring to the national nuclear regulator.

One of Earthlife Africa's key objections was that the final environmental impact

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assessment report contains a substantial number of documents that were not previously made available to the public including extracts from the safety analysis report.

Another concern raised by Earthlife Africa was the fact that the Director General should have considered the views of the national nuclear regulator (NNR) on the safety of the project before coming to his decision to make his own judgment on these issues. The NNR has expertise in this area that is not otherwise available to the Director General.

However he put the cart before the horse by making his decision before the NNR had formed and communicated its views to him. That is what the scoping report envisaged, namely that as part of the EIA process the views of the NNR on the safety of the PBMR would be included in the EIR documentation.

Earthlife Africa asked for the authorisation to be set aside and for the respondents to pay the applicant's costs.

The first respondent (Director General, Department of Environmental Affairs & Tourism) argued that the environmental impact assessment regulations make provision for a procedure which is fair but different from the provisions of sub section 2 of the Promotion of the Administration of Justice Act and therefore even though an oral hearing was not given, Earthlife Africa did have a proper hearing. Regarding the issue of safety and waste the Director General argued that he was satisfied that these issues would not pose a threat to the environment that could not adequately be managed and mitigated.

Without the support of organizations like the Legal Resources Centre, Earthlife Africa would not have had the resources to go to court. In November last year Sibusiso Mimi, nuclear campaigner for Earthlife Africa Cape Town said in a press statement: "Earthlife Africa is respected as an environmental lobby group acting in the public interest, and our lawyers, the Legal Resource Centre, are confident that we have a strong case..

The legal route is exhausting, complicated and very time-consuming. It is a pity we have to resort to this".

What did the judges say?

On the 26th January, judge Ben Griesel handed down a 40 page judgement document in which he judged in favor of Earthlife Africa. He also ordered the respondents to pay ELA's costs.

"PBMR [...] a white elephant where Eskom planned to use the people of Cape Town as guinea pigs to test a dubious technology"

The application to review the authorisation was based on three grounds relating to an absence of procedural fairness in the decision to authorise the reactor:

1-ELA had not been given a fair hearing as it did not have access to crucial documents on which the DG based his decision, it was not allowed to comment on the final EIA and it was not allowed to comment to the decision maker, only to Eskom's consultants.

2-the DG failed to properly address the problems posed by nuclear waste at the proposed PBMR

3-the DG abdicated his responsibility to properly consider safety issues by deferring to the NNR

Background: The DG had appointed a panel of experts to advise him on Eskom's application and they had recommended that it be granted. Then Wynand Fourie the deputy DG submitted a memorandum to the DG that the authorisation be granted which did not mention or address ELA's submission and on the same day it was approved.

Preliminary issues: The DG argued that ELA should have exhausted internal remedies before launching the review application. The court had to decide if the appeal launched by ELA had to be decided first before it could

consider the review application. The court held in ELA's favour on the following basis:

The Promotion of Administrative Justice Act ("PAJA") gives it a discretion to exempt a person from the obligation to exhaust internal remedies in exceptional circumstances if it regards it as in the interests of justice, and in this case ELA had applied for exemption.

The first exceptional circumstance is that s 36 of the ECA provides for review notwithstanding the internal remedy. Other factors are the sensitive, far reaching and controversial issue of nuclear power, and the fact that the review if successful will dispose of some 70 appeals.

In general, the interests of justice are served best by disposing of the review first. "In this case any appeal will be on the basis of a record that ELA argues is deficient and it would thus be in the interests of justice for ELA to be allowed to supplement its record. It is also not in the interests of justice for this process involving 10 highly trained lawyers and thousands of pages to result in a waste of time which would be the case if the application for review is defeated on a narrow technical point." The court should also incline to an interpretation that promotes rather than hampers access to the courts.

Procedural fairness of the DG's decision

The court held that the regulations provide for full public participation in all the relevant procedures contemplated in these regulations. The court identified 2 phases of the EIA process ie the investigation phase and the adjudicative phase where the DG does the consideration and evaluation of the report and other facts that may be relevant to his decision.

Nothing in the Environmental Conservation Act or its regulations expressly excludes public participation at this phase and therefore according to case law procedural fairness demands that there be a hearing at this stage.

The second reason why the approach of the DG was held to be unfair was because the final EIA was substantially different from the draft EIA incorporating material changes and substantially more documentation than its predecessor. "Fairness requires that an interested party ought to be afforded an opportunity first to comment on such new matter before a decision is made".

Regarding the issue of ELA being confined to making representations to the applicant's consultants as opposed to a chance to influence the decision maker directly the court had the following to say:

"It is appropriate for the DG to rely on assistance and expert advice of others in coming to his decision but it is nevertheless an essential requirement that before making the decision he or she should be *fully informed of the submissions made on behalf of interested parties and he or she should properly consider them*. In some circumstances it may suffice for the decision maker to have before it and consider an accurate summary of the relevant evidence and submissions if the summary adequately discloses the evidence and submissions to the decision maker. This did not happen in this case. ELA's submissions were included in an annexure to the final EIR but the decision maker did not read those submissions or even a summary of them."

To summarise:

- 1- If new matter is raised in a final EIA after a draft document has been circulated for public comment, then interested parties should be allowed to comment on the final document.
- 2- The views of public comment should be placed before the decision maker in an accurate summary and he/she must consider them.

The court did not consider the other two grounds of review.

The court gave ELA and other interested parties the opportunity to address further written submissions to the DG on the final EIR as well as any

other relevant considerations that may affect the decision. No opinion was expressed on the merits of nuclear power or the PBMR as the court had not been called upon to consider these.

Earthlife is "very happy" with the Judgment said Liz McDaid the spokesperson of Earthlife Africa." We believe that the PBMR will now be exposed for what it is - a white elephant where Eskom planned to use the people of Cape Town as guinea pigs to test a dubious technology" said McDaid.

Government response to the court decision: At first the press reported that DEAT (Department of Environmental Affairs & Tourism) would appeal the court decision but sanity prevailed and cabinet gave out a statement that government would not be appealing against the court's decision.

What next?

Earthlife Africa and other interested parties will now have their chance to challenge Eskom's version of the truth. As a next step, it will be vitally important that this time around, all relevant information is made available to ELA and other interested parties to enable them to comment meaningfully.

This should include the feasibility report produced by an international panel of experts. This report has been kept secret up till now and Earthlife Africa is now calling on Eskom and Government to release the report. "Eskom is owned by the state, the PBMR is funded with tax payers money and we believe that the public have a right to know."

With so many pressing social needs in our country, Earthlife believes that once Eskom's information is critically reviewed, it will be obvious to Government that R15bn (US\$2.5bn) would be better spend on energy efficiency and implementing alternative energy options.

The Future:

The implications of an expansion of

the nuclear programme within South Africa and Africa are quite sobering. The European Committee on Radiation Risk recently found that the health impacts of low dose radiation were much more serious than the nuclear industry has historically put forward. The economic viability case for the PBMR has yet to see the light of day and no investors for this white elephant can be found.

The burden of the development of the PBMR currently rests squarely on the shoulders of the South African government, ie this means that the tax payers and electricity consumers must pay!

For more information, please look at the website - www.earthlife-ct.org.za

Sources: Liz McDaid, ELA-CT, Angela Andrews, LRC, Sibusiso Mimi, ELA-CT

Contact: Liz McDaid, Earthlife Africa – Cape Town at liziwe@mweb.co.za

RADWASTE IN FRANCE: DEBATE AND HUGE FINANCIAL HOLE

As 1991 law stipulated, a debate on the French Parliament on nuclear waste management should happen before the end of 2006. Within the framework of this event, Minister for Industry, Patrick Devedjian and Minister for Environment, Serge Lepeltier have requested the National Commission on Public Debate (CNDP) to organize a debate this fall.

(623.5664) **Greenpeace France** - Greenpeace is concerned about the will of the Ministers to organize this debate just as a social and democratic caution to their future decision on waste management. But Greenpeace is also confident on the ability of the CNDP to organize a good debate, asking all the good questions. One of this question is definitely the question of the funds and liabilities.

A recent report The Court of Accounts (which oversees the finances of public bodies and state-owned enterprises) sounds the alarm on the abilities of the French nuclear firms to finance the decommissioning and the radioactive waste management in the future.

In France the total cost is estimated to 71 billions euros. EDF itself has liabilities estimated to 48 billions euros! In the way to part-privatisation these huge liabilities are a real prob-

lem for EDF. This problem is even bigger because of huge uncertainty on final costs. Just as an example, the cost of potential deep disposal could be 40% to 230% higher than those used as an accounting basis by EDF, according to new Andra's (the radioactive waste management agency) estimation in 2003.

Other problem stressed by the Court of Accounts Report: EDF has only an "embryo" of the money need to face future clean up of the nuclear sites and manage nuclear wastes. This situation is explained by the series of acquisitions abroad in recent years.

This situation has already been denounced by Greenpeace in 2003 within an economic study exposing the uncertainties and complexities surrounding nuclear power plant decommissioning reserve funds across Member States and the market distur-

tions created by the unrestrained access to these funds.

Nowadays, the Court of Accounts conclusions join the Greenpeace fear on the abilities if the French nuclear firms to finance the future nuclear bill: EDF's preparations for nuclear decommissioning were marked by a lack of clearly formalised rules and raised concerns that the cost of safeguarding nuclear installations would fall on future consumers or the state.

This situation is not acceptable: the "polluter pays" principle must be respected and the French government must take action to clarify the cost estimation and the abilities of French nuclear industry to pay for its eternal wastes.

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URANIUM MINING ISSUES REVIEW 2004

In time-honored tradition, the WISE Uranium Project is pleased to presents the annual summary of occurrences in the world of uranium mining for the year 2004.

(621.5665) **WISE Uranium** - During the course of the year 2004, the uranium spot market price climbed from 14.50 to 20.70 US\$/lb U₃O₈, nearly three times its minimum level. The price for long-term contracts reached 25 US\$/lb U₃O₈.

When the uranium spot market price reached the magical figure of 20.00 US\$/lb U₃O₈ at the end of September, a frenzy of acquisitions of innocent tracts of land began, involving many exploration companies previously not involved in the uranium business.

This year, for the first time, WISE Uranium Project would like to award its order of merit in the following

categories:

The 2004 Gold Award for Impudence goes to: Cogéma for the way it manages (or rather doesn't...) the legacy of decades of uranium mining in Gabon.

The 2004 Silver Award for Impudence goes to: Rössing Uranium for using the mine's decommissioning fund to keep the mine operating, and

The 2004 Award for Negligence goes to: Energy Resources of Australia (ERA) for a potable water incident at its Ranger mine.

New uranium mining projects

The following new uranium projects received government approval and/or commenced operation in 2004:

The U.S. Nuclear Regulatory Commission (NRC) approved PRI's Gas Hills uranium in-situ leach mine project in Wyoming, and Uranium Resources Inc. (URI) commenced uranium production at its Vasquez in-situ leach mine located in Texas. URI further plans to resume in-situ leach (ISL) mining at its Kingsville Dome mine, also in Texas.

Development began, or continued, on the following uranium mine projects:
The Canadian Nuclear Safety

Commission (CNSC) issued a construction license for the Cigar Lake high-grade uranium mine project in Saskatchewan, after an assessment found no significant adverse environmental effects. CNSC further announced public hearings on the planned expansion of the JEB Mill at the McClean Lake mine site to receive and process Cigar Lake ore.

Argentina's atomic energy commission, CNEA, issued an Environmental Impact Statement (EIS) for the revival of the Sierra Pintada uranium mine, located in San Rafael district of Mendoza province, although the environmental legacy from previous operation has not been dealt with.

Near Karkhu in Karelia (Russia), an ongoing exploration project at a uranium deposit raised environmentalists' concerns on radioactive pollution in Lake Ladoga.

During hearings held on the Langer Heinrich uranium mine project in Namibia, promoted by the Australian company Paladin Resources Ltd, the public raised concerns regarding the need for the project, its water supply, and its impacts on the Namib Naukluft Park.

For Kazakhstan, the development of a number of uranium mine projects was announced: Cameco and the National Atomic Company of Kazakhstan (Kazatomprom) revealed plans to develop the Inkai Uranium ISL mine, while Areva/Cogéma and Kazatomprom announced the development of commercial production at the Moinkum uranium deposit, currently the site of a pilot plant. The construction of the Zarechnoye ISL uranium mine, a Kazakh-Russian-Kyrgyz venture, has already begun; part of the pre-concentrates recovered from the mine will be sent to the Kyrgyz Kara-Balta mill for processing.

Kazakhstan also disclosed its ambition to become the world's leading uranium producer by raising its annual production from the current 3000 t to approx. 16,000 t by 2015.

In India, proposals were made for the development of four new uranium mines - two located in Jharkhand, the home state of India's only existing uranium mill. The Jharkhand State Pollution Control Board cleared the way for the Bandugurang uranium mine project with a statement of "No Objection". Although a public meeting was held for the Baghjanta uranium mine project (also in Jharkhand), environmentalists complained of incomplete access to project documents and of being hindered in their efforts to raise concerns during the meeting.

The Lambapur-Peddagattu uranium project in Andhra Pradesh had its ups and downs: while the Union Government excised tracts of the Rajiv Gandhi Tiger Reserve and a reserve forest for uranium exploration, the Andhra Pradesh State Pollution Control Board rejected the site proposed for the associated uranium mill. Uranium Corporation of India Ltd (UCIL) later conceived a new proposal for a mill site.

The Domiasiat uranium mine project in Meghalaya was at the center of much controversy. While the Meghalaya State Government remained undecided, strong opposition from several NGOs culminated in a protest march through the State capital Shillong and coupled with other issues, gave rise to two 1-day general strikes. A local UCIL official even resigned from his post after being threatened by militants.

Simultaneously, landowner gave consent to UCIL and an organization of village headmen held a rally in favor of the uranium mine.

The development of the following uranium mine projects was delayed or abandoned:

In New Mexico, the license for the Crownpoint uranium in-situ leach project was once more on hold at the request of interveners SRIC and ENDAUM – this has been ongoing for over 4 years now.

In Western Australia, WMC

commenced remediation works at its Yeelirrie uranium mine site. In Australia's Northern Territory, Traditional Owners signed an historic agreement formally terminating the controversial development of the Jabiluka uranium mine.

Southern Cross Resources Inc. announced its decision to delay the development of the Honeymoon ISL project in South Australia, following the completion of leach tests.

Issues at operating uranium mines

CNSC approved the license renewals for Cameco's McArthur River high-grade uranium mine in Saskatchewan and the Key Lake mill (where the McArthur River ore is milled), despite serious water inflow problems experienced at the mine in 2003 and the continuing pit sidewall sloughing into the tailings disposed at Key Lake. Cameco moreover released an Environmental Assessment Study Report for the proposed production increase at the McArthur River mine and Key Lake mill.

An Appeals Court overturned the Federal Court's decision to quash Cogéma's operating license for the McClean Lake uranium mining and milling facilities in 2002 at the request of the Inter-Church Uranium Committee (ICUC). A stay had already been granted to Cogéma shortly after the initial court decision. Moreover, the public involvement process for the proposed Sue E extension of the McClean Lake mine was initiated.

Environmental monitoring revealed a sharp increase of uranium loads in lake sediments near the operating Rabbit Lake mine in Saskatchewan. While natural uranium levels in the lake sediment are below 3 µg/g (3 micro grams per gram), levels in Hidden Bay had reached approx. 25 µg/g in 2000, and have more than doubled each year since, to approx. 250 µg/g in 2003. It is reassuring, though, that... "This has been recognized by the company and they are looking into ways of reducing uranium in the effluent."...

In the U.S., Cameco now plans to expand in-situ leach operations at Crow Butte in Nebraska, a property it had written off in 2000...

In the second half of the year, Cotter Corp. reopened several uranium/vanadium mines in Southwestern Colorado. The mines had been idle for decades.

At Cotter Corp.'s Cañon City uranium mill in Colorado, the struggle continued, at Cotter's request, to accept contaminated waste from Maywood, N.J., for disposal at its uranium mill tailings site. In the end, the State renewed Cotter's mill license, but prohibited waste acceptance from other sites, and moreover required transition to a dry tailings management scheme. It is not clear yet whether Cotter Corp. will appeal this decision.

The Texas Commission on Environmental Quality granted hearing requests on the license renewal and the extension of URI's Kingsville Dome in-situ leach uranium mine.

Following the late 2003 announcement that the mine life of the Rössing uranium mine in Namibia would likely end prematurely in 2007, the company, in financial dire straits, used the mine's decommissioning fund to continue operating in 2004.

Decommissioning funds are purposely set up to ensure money is set aside for cleanup in case companies collapse before meeting their liabilities; if this money is used to maintain day-to-day operations, no money will be left for cleanup once the company ceases to exist. And, the Rössing mine (with the associated uranium mill tailings pile) is probably by far the largest single uranium mining-related liability in the world. In addition, Rössing's parent company, Rio Tinto, is a member of the International Council on Mining & Metals - "dedicated to economic progress, environmental protection and social responsibility".

This blatant misuse of the decommissioning fund represents a

major blow to Rio Tinto's credibility, and makes Rössing Uranium deserving the "2004 Silver Award for Impudence". Meanwhile, Rössing has prepared a plan to continue mining until 2017, which is yet to be approved by Rio Tinto.

The Kara Balta uranium mill in Kyrgyzstan had contracted to process 1800 t of uranium-contaminated waste material originating from the BNFL Springfields (UK) nuclear fuel plant. The intention was to extract the uranium contained (90 t) and return it to the UK, while the majority of the material would remain in Kyrgyzstan. An expert commission had voiced support for the deal, but the Kyrgyz government decided to prohibit the import of the waste material. Meanwhile, metal thieves continue to dig out contaminated scrap metal buried at the Kara Balta mill, to sell to scrap yards.

The Navoi uranium mill in Uzbekistan nearly regained full uranium output, after refurbishing its processing plant with a US\$6 million loan received from Nukem Inc. (USA).

For the potable water incident at its Ranger uranium mine, Rio Tinto's subsidiary Energy Resources of Australia (ERA) clearly deserves to win 2004's "Award for Negligence" – a temporary hose connecting the mine's process water system to the potable water system, which was meant to increase supply to the process water system, had the opposite effect. Workers unwittingly drank the uranium-contaminated water and showered with it. Further incidents at the mine, such as the spillage of contaminated water into nearby creeks, and the distribution of yellow cake via the mine's compressed air system, among others, did not exactly reestablish trust in the safety culture at the mine.

Abandoned mines

In Canada, the deadlock between Saskatchewan's provincial authorities and federal authorities over who is responsible for the reclamation cost for the abandoned uranium mines

remained unresolved. Only in one case, out of the 42 abandoned uranium mines of concern, had a current owner been identified who acknowledged responsibility for its cleanup.

In Colorado, the U.S. Forest Service plans to cleanup of the abandoned Graysill uranium mine, only one of hundreds of abandoned uranium mines in the Western U.S. presenting hazards from unsecured ground openings and waste dumps, etc.

In Portugal, environmental activists exposed the use of radioactive materials from the abandoned Quintado Bispo uranium mine for ground works in the city of Mangualde. On several occasions, activists protested the lack of security at the 56 former uranium mines in central Portugal; at one mine they also observed illegal fishing. They also blocked transports of residual uranium ore concentrate, calling for the environmental restoration of the former mining area.

In the Democratic Republic (DR) of Congo, illicit mining at the former Shinkolobwe uranium mine raised health, security and proliferation concerns. The mine had once been the source of the infamous, and extremely high grade, "Belgian Congo Ores" processed for the U.S. nuclear weapons program in World War II, among others. After the deposit had been mined out, the mine was flooded and abandoned. Now, up to 15,000 illicit miners, mainly looking for cobalt, dig in a new open pit nearby but the ores produced possibly also contain some uranium. In July, at least eight miners were killed when a mine collapsed. Only in November could UN investigators confirm that there were no longer any mining activities on site.

In Madagascar, high radiation levels were found at the abandoned Vatovory open pit uranium mine, formerly mined by Cogéma's predecessor CEA between 1937 and 1954.

Kyrgyzstan is still seeking foreign support for the urgent stabilization of the abandoned uranium mill tailings deposits inherited from the Soviet era

in the south of the country. The World Bank and Japan already gave offers of assistance. The OSCE (Organization for Security and Co-operation in Europe) launched an information campaign to raise local public awareness on the hazards of the Mailuu-Suu uranium mill tailings, and IAEA collected environmental samples there. In November, a landslide threatened the uranium tailings deposit near Min-Kush in the Naryn province of Central Kyrgyzstan.

Tajikistan is also seeking foreign help to cleanup of the waste legacy from Soviet era uranium mining on its territory.

In Japan, the Supreme Court finalized an order for a nuclear institute in Tottori to remove approx. 16,000 cubic meters of uranium-contaminated soil, left over from uranium mining trials at Ningyo-Toge between 1958 and 1962. The material had been left abandoned for about 40 years.

In South Australia, authorities are now planning the cleanup of the abandoned Radium Hill uranium mine and Port Pirie uranium treatment plant. In Queensland, people were observed swimming in the pit lake and tailings dam of the old Mary Kathleen uranium mine.

Shutdown and decommissioning of uranium mines

In July, CNSC (Canadian Nuclear Safety Commission) issued a decommissioning license for the Cluff Lake mine in Saskatchewan. In August, the Clearwater First Nation in La Loche held a one-week road blockade against Cogéma's hiring policy for decommissioning work at the Cluff Lake mine.

The follow-up of the decommissioning of uranium mill tailings sites in the U.S. was impossible after October 25, when the U.S. NRC shut down its document library due to a "Security Review".

In Colorado, the New Rifle uranium mill tailings site has been cleaned up and the property transferred to the

City of Rifle. This was the last of eight uranium mill tailings sites reclaimed in Colorado under the Uranium Mill Tailings Reclamation Control Act (UMTRCA) of 1978.

Former Uravan (Colorado) residents sued Umetco over suspected radiation-related illnesses claiming the firm had failed to protect them from radiation when they lived near the uranium mine operated by the company from 1928 to 1984.

In New Mexico, the Navajo EPA (Environmental Protection Agency) raised concerns over the migrating groundwater contaminant plume at the Shiprock tailings site.

Homestake was granted a 9-year extension of reclamation milestones for its Grants uranium mill tailings site, while residents living near the former Grants uranium mill are seeking damages from Homestake for a "variety of physical, emotional and financial injuries" allegedly suffered as a result of exposure to radioactive and other hazardous substances.

United Nuclear's request to halt groundwater treatment at its Church Rock uranium mill tailings site gave rise to U.S. EPA concerns. United Nuclear has now also submitted reclamation plans for its former Church Rock uranium mines. The U.S. NRC license for the Sohio L-Bar uranium mill tailings site was terminated.

For the Monument Valley, Arizona, uranium mill tailings site, U.S. DOE issued a Draft Environmental Assessment Document for groundwater restoration for public comments. The proposed compliance strategies are mostly based on natural flushing and passive remediation through phytoremediation.

In Utah, U.S. NRC approved relaxed groundwater standards for the Lisbon uranium mill site.

At the Atlas Moab uranium mill tailings site in Utah, a decision between the options of in-situ

reclamation and relocation to an offsite disposal site has still not been taken. U.S. DOE released a Draft Environmental Impact Statement (EIS) on the management options for comment but failed to indicate a preferred alternative.

The U.S. DOE Inspector General criticized DOE's oversight on the reclamation of the Monticello uranium mill tailings site, where funds provided to the City of Monticello for long-term maintenance of the mill site were apparently used for unrelated purposes.

In Wyoming, the U.S. NRC approved a further weakening of Pathfinder's Shirley Basin uranium mill tailings cover specifications.

Reclamation of ANC's Gas Hills Tailings Pond No.1 was delayed further.

Western Nuclear requested permission for cessation of active groundwater restoration at Split Rock site, though the standards were not met.

In Ohio, cleanup began of Fernald Silos 1 and 2 containing tailings left over from the processing of Belgian Congo high-grade uranium ores for World War II nuclear weapons programs. It is not yet clear, however, where the material will be shipped to for disposal: to the Nevada Test Site, or to a Low-Level Waste site in Texas.

In France, authorities tried to locate disseminated material from the former St-Priest-la-Prugne (Loire) uranium mine by issuing questionnaires to residents of the area, since some of the material had obviously been used for construction purposes.

At the decommissioned St Pierre du Cantal uranium mine site, elevated radiation levels in excess of the applicable regulatory limits were found by the independent laboratory CRIIRAD.

In November, an Appeals Court finally decided that Cogéma must appear in Criminal Court on charges alleging

pollution at its old uranium mine sites in the Limousin region (Haute-Vienne) in central France.

In Eastern Germany, Wismut began with the relocation of the Ronneburg landmark uranium waste rock piles (100 m high) in Thuringia into a former open pit mine. In Schlema, Saxony, a golf course is to be built on the reclaimed parts of one of Wismut's uranium mine waste rock piles.

In Gabon, Cogéma's subsidiary COMUF completed the decommissioning of its uranium mine and mill at Mounana, where it had produced nearly 28,000 t of uranium from 1961 to 1999. During the first years of operation, COMUF had simply released a total of over 2 million t of uranium mill tailings into an adjoining creek. This creek, the Ngamabougou, then carried the tailings several kilometers to the Mitembe River.

Rather than cleaning up this mess and transferring the tailings dispersed along the creek into an engineered tailings disposal facility, COMUF simply covered the dispersed tailings

with an erosion-prone soil cover. The funds for this very strange reclamation work were taken from aid money provided by the European Union. Cogéma thus clearly deserves to win the "2004 Gold Award for Impudence".

In Kazakhstan, a scientific study on the Aktau tailings was completed. The reclamation of these tailings is to start from 2005.

Regulatory and policy issues
The World Health Organization (WHO) once more revised its provisional guideline value for uranium in drinking water, now from 9 µg/l to 15 µg/l, while the original value had been 2 µg/l. The change once again is not based on new toxicity data, but on a revision of the allocation of the tolerable daily intake to drinking water, now from 50% to 80%.

The U.S. NRC approved the intentional mixing of contaminated soil to meet License Termination Rule (LTR) release criteria in limited circumstances, on a case-by-case basis.

A review report on the environmental impacts of the acid in-situ leach

uranium mining process commissioned by the South Australian government backs acid ISL uranium mining.

In Germany, the Federal Social Court (Bundessozialgericht) in a landmark ruling decided that uranium miners should be able to claim compensation for cancers other than lung cancer. In two cases, filed by former Wismut uranium miners and/or their surviving families, the Court found that the larynx cancer developed by the miners must be seen as caused by their former occupation and therefore had to be compensated by the employers' liability insurance. The insurance company had maintained that no epidemiological evidence had ever proven such causation, while only the dosimetric model by Jacobi (1995) had so far been used to support such claims. The court decisions are relevant for approx. 2000 other former Wismut miners who have contracted cancers other than lung cancer.

For more information check the website: www.antenna.nl/wise/uranium

Source and contact: WISE Uranium

Waves brought radioactive waste to Somalia. Tsunami waves could have spread illegally dumped nuclear waste and other toxic waste on Somalia's coast, a United Nations spokesman has said. Nick Nuttall of the UN Environment Programme (UNEP) told the BBC that December's tsunami appeared to have broken barrels and scattered waste. Mr Nuttall said a preliminary UN report had found that Somalis in the northern areas were falling sick as a result. Some firms have been dumping waste off Somalia's coast for years, the UN says. It says international companies have been taken advantage of the fact that Somalia had no functioning government from the early 1990s until recently. Nuttall said there are radioactive chemicals, heavy metals, medical waste. He also said that some of the hazardous wastes had been linked with cancer. However, the

spokesman said the UNEP needed to assess the full impact for the country. He said that the waste posed significant danger to Somalia's fishing industry and also local marine life.
BBC News, 2 March 2005

Consent needed from Mirrar for future mining in Kakadu. The Aboriginal owners of Kakadu National Park have won their long battle for the right to halt further development of a uranium mine on their traditional lands within the park. On February 25, the Mirrar Gundjeihmi Aboriginal people, the leaseholders Energy Resources of Australia (ERA), and the Northern Land Council signed a landmark agreement on the long term management of the Jabiluka uranium mining lease area in the Northern Territory. While the Jabiluka Mineral Lease and the 1982 Jabiluka Mining

Agreement remain in force, the newly signed Jabiluka Long-Term Care and Maintenance Agreement obliges ERA to secure Mirrar consent prior to any future mining development of uranium deposits at Jabiluka. "This agreement lifts the shadow of Jabiluka off the Mirrar and other Aboriginal people in Kakadu," Mirrar Senior Traditional Owner Yvonne Margarula said. "We now have a chance to solve some of the social problems like alcohol, unemployment and health. Jabiluka will never be mined unless the Mirrar give approval - in future the decision is ours alone for the first time."

ENS, 28 February 2005

Cadarache: release of noble gases and iodine. Incident uprated to Level 1. On February 27, an accident involving the release of noble gases and iodine

IN BRIEF

from the Phebus reactor at Cadarache has been uprated to Level 1 (anomaly) on the International Nuclear Event Scale (INES), the Commissariat à l'Énergie Atomique (CEA) said today. The incident occurred January 21 during removal of an experimental device containing fission products, generated during the last test of the international Phebus Fission Products program at Cadarache, France. A procedure for closing valves was not properly followed, the CEA said to explain the release of noble gases and radioactive iodine, which it said represented 10 millionths of the Cadarache center's annual limit. There were no consequences for personnel or the environment, the CEA said. The incident had initially been rated at INES Level 0 but was uprated because analysis showed that procedures had not been properly followed, the CEA said.

Nuclear News Flashes, 25 February 2005

Agreement on development Generation IV Reactors. A multilateral agreement aimed at the development of next generation nuclear energy systems has been signed by representatives from Canada, France, the UK and the USA. The Generation IV International Forum (GIF) partners have identified six next generation technologies for development including: the Gas Cooled Fast Reactor; the Sodium Fast Reactor; the Lead-Cooled Fast Reactor; the Molten Salt Reactor; the Supercritical Water Reactor; and the Very High Temperature Reactor.. **WNA News Briefing 05.08, 23 February - 1 March 2005)**

Austrian court: Mochovce does not meet international safety standards. An Austrian court has set a precedent for Europe by its ruling that a foreign nuclear plant poses a health hazard that must be corrected. A Vienna district court found Slovakia's

Mochovce power plant, northeast of Bratislava and about 150 km (90 miles) from Vienna, did not meet international safety standards and posed a risk to the health of the plaintiffs, who both live in Vienna. Judge Hannelore Weber ruled against the plant's owner, Slovak state power firm Slovenske Elektrarne (SE), saying it had to reduce the risk of an accident that could cause a radiation leak and damage the plaintiffs' health. The plant's owner said it would appeal. "The nuclear power plant at Mochovce meets all Slovakia's legislative requirements as well as international safety standards," it added. The Green Party stated that as Slovakia is a member state of the European Union, the ruling was binding across the border. The Greens said the ruling was "unique in Europe": "This is the first time a court has established that a nuclear power plant across the border creates a threat to life and health".

Reuters, 17 February 2005

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THE NUCLEAR MONITOR

The Nuclear Information & Resource Service was founded in 1978 and is based in Washington, DC. The World Information Service on Energy was set up the same year and is housed in Amsterdam, Netherlands. NIRS and WISE Amsterdam joined forces in 2000, creating a worldwide network of information and resource centers for citizens and environmental organizations concerned about nuclear power, radioactive waste, radiation, and sustainable energy.

The *Nuclear Monitor* publishes international information in English 20 times a year. A Spanish translation of this newsletter is available on the WISE Amsterdam website (www.antenna.nl/wise/esp). A Russian version is published by WISE Russia, a Ukrainian version is published by WISE Ukraine and a Japanese edition is published by WISE Japan (both available at www.nirs.org). The *Nuclear Monitor* can be obtained both on paper and in an email version (pdf format). Back issues are available through the WISE Amsterdam homepage: www.antenna.nl/wise and at www.nirs.org.

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