

NRCREP - ACE Comments - NRC LLRW Program 9-5-06

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71 FR 38675

The Alliance For A Clean Environment

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(19)

September 5, 2006**TO: Chief, Rules and Directives Branch**

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RULES AND DIRECTIVES
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USNRC**Re: Comments on 71 FR 130:38675-38676, July 7, 2006**

Nuclear Regulatory Commission's
Low-Level Radioactive Waste Program

The Alliance For A Clean Environment (ACE) is a grassroots organization in the tri county area of Montgomery, Chester, and Berks Counties in Southeastern Pennsylvania. We have documented a health crisis in this region. Our investigation suggests that synergistic, additive, and cumulative impacts from radiation exposure have played a major role in this crisis. Based on our findings, we strongly believe it is imperative for the US NRC regulatory program for Low-Level Radioactive Waste to be strengthened and to reflect use of the "Precautionary Principle" to protect public health across our nation.

The US NRC is reviewing the role, responsibilities and activities of its Low-Level Radioactive Waste (LLRW) regulatory program. Health threats to the general public, especially fetuses and children, should be the number one priority in every NRC decision about LLRW, yet it appears NRC is again planning to make decisions based on the wishes of the nuclear industry, rather than the general public, which clearly needs and expects radiation protection from NRC.

There is no question that the public needs prevention in relation to exposures to radioactive wastes, and that NRC is the agency charged with protecting public health from the nuclear industry's radiation threats from its radioactive wastes. Yet, while NRC spends its time calculating allowable doses to the public from licensed sites and from the release of nuclear waste from licensed control, the public trust is being betrayed and public health is being further jeopardized by irresponsible and illogical deception.

There is no longer any question that even at very low levels there are harmful health impacts from radiation exposure on humans, especially fetuses and children. There is no independent science on additive, cumulative, and synergistic doses from different types of radiation from a broad range of exposure routes. NRC cannot logically or responsibly substantiate that any radiation dose is safe. Clearly, a safe allowable dose cannot be accurately established by NRC, or anyone else, for several reasons.

- First, The National Academy of Science BEIR VII report from June 29, 2005, concludes the committee's thorough review of available biological and biophysical data supports a "linear, no-threshold" (LNT) risk model, which says that the smallest dose of low-level ionizing radiation has the potential to cause an increase in health risks to humans. The

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National Academies' National Research Council says: "A preponderance of scientific evidence shows that even low doses of ionizing radiation are likely to pose some risk of adverse health effects."

- Second, people are most often exposed to a toxic brew of radiation, not from just one route of exposure at a time.
- Third, people are often exposed to radioactive wastes in on-going low levels over long periods of time from multiple sources.
- We believe the Greater Pottstown Area is a prime example of what happens when multiple sources of low level radiation exposure over time are synergized and added to exposures with other toxic chemicals.
 - NRC has allowed massive amounts of regulated uranium and thorium contaminated wastes into Pottstown Landfill for decades. This facility was not a licensed NRC facility. Yet with NO regard to the synergism and long term additive and cumulative health impacts, NRC claimed the 35,000 tons per year (since the early 1980s) of uranium and thorium contaminated wastes dumped in Pottstown Landfill were at "safe levels".

Radioactive waste that enters a landfill does not disappear. It synergizes with the mass of waste and escapes into the region's air and water with the gases and leachate.

- For over 25 years, other sources of radioactive wastes were also dumped in Pottstown Landfill mixing with all the other hazardous constituents of the landfill. Radiation has contaminated the entire mass of waste and is escaping into community air and water. Pottstown Landfill leachate contaminated ground water with what EPA called "Significant Levels of Alpha and Beta Radiation" in its 1991 Pottstown Landfill Hazardous Site Report. Alpha and Beta radiation were recently found in 4 out of 4 residential wells, within 1 mile from Pottstown Landfill. PA DEP's 2005 report on testing of Pottstown Landfill leachate found 17 of 17 radioactive chemicals in the leachate.
- Just 5 miles away, on the other side of Pottstown is the Limerick Nuclear Power Plant, which emits low levels of radiation into the region's air and water.
- Limerick Nuclear Power Plant and Pottstown Landfill radiation exposure threats to area residents are synergistic, cumulative, and additive doses to all other radiation exposure routes in the lives of most people in the U.S.

A shocking health crisis of major proportions has been documented in the Greater Pottstown Area.

- ✓ Cancer rates are far higher than the nation, state, and tri county, especially in children.
- ✓ The kinds of cancers specifically linked to radiation exposures have skyrocketed since the 1980s when massive amounts of radioactive wastes were dumped in Pottstown Landfill and Limerick Nuclear Power Plant went on line.
- ✓ Breast Cancer, a national epidemic, is 51% higher (ages 30 to 44) than the national average in the Greater Pottstown Area) and higher in every other age group as well. Breast Cancer rates increased by 61% (1985-1997).
- ✓ Thyroid Cancer skyrocketed by 128% (1985-1997). In 1998, 1999, and 2000, Thyroid Cancer Rates were 75% higher than the national average.
- ✓ Leukemia went up 48% (1985 to 1997)
- ✓ Immune system diseases are off the charts.
- ✓ Infant and neonatal mortality rates are far higher than the state average, and even higher than Philadelphia and Reading.

Based on what is known and unknown, the NRC LLRW program must strengthen the requirements for isolation of radioactive materials and wastes at licensed radioactive waste facilities. It should require and provide transparent routine reporting of waste generated at each site and its storage, disposal and final destination.

NRC's efforts and tendency toward generically deregulating radioactive waste and materials must be stopped. We advocate complete and permanent rejection of the proposed rule to generically deregulate nuclear waste.

We strongly oppose the deceptive language used for dangerous radioactive wastes.

"Low-level" radioactive waste should not include materials that are high risk. It is unacceptable to call radioactive wastes "low-level" that can give a lethal dose in less than an hour.

- It is long past time for NRC to reclassify as higher-level, all radioactive waste that is hazardous longer than the 100 year institutional control period required for "low-level" radioactive waste sites.
- NRC should reject the perilous interagency and international effort to declassify radioactive waste...so that it requires less or no institutional and regulatory control.

- We oppose these efforts and call on NRC to increase its regulatory control not reduce it or facilitate reductions.
- We oppose declassification of high level radioactive waste from reprocessing to Waste Incidental to Reprocessing and oppose a new category of low radioactivity or low activity wastes which could then be removed from licensed regulatory control.
- We support classification and regulatory control of long lasting wastes such as depleted uranium in facilities designed for their longevity—not “low-level” waste sites.
- We call on NRC to act responsibly regarding these materials. NRC’s LLRW program should put its efforts and time into better, increased control of radioactive materials.

“Spent Fuel” should not be used to define highly radioactive wastes removed from reactors.

- “Spent Fuel” is an exceptionally deceptive term which we believe attempts to lull the unsuspecting public into a false sense of safety. “Spent Fuel” suggests the danger is gone, when in fact rods are far more highly radioactive and dangerous when removed from the reactor. We oppose this kind of deceptive language.
- Limerick Nuclear Power Plant wants to store its high-level radioactive wastes above ground, in addition to the fuel pools. ACE started an intensive investigation on this process and the term “Spent Fuel,” used by NRC and the industry, first deceived us and others in our community.
- Our year-long investigation suggests this is an example of NRC irresponsibly trying to weaken standards, while further jeopardizing the public. NRC needs much more stringent regulations and oversight concerning this high-level radioactive waste.

ACE strongly opposes risk-informed regulation for both the reactor and materials programs. The simple reason for this opposition is that NRC is denying and not fully evaluating the risks of ionizing radiation at low doses and in combination with other pollutants. The outcome is weaker, less protective standards and lower weight for public and environmental health in risk based decision-making. The risk assessments that are done do not have the power or intent to incorporate non-cancer and other health effects or environmental damage. NRC needs a different method of damage analysis for both predictive and retrospective assessments. A system based on precaution is the only prudent method.

NRC relies on bodies such as the ICRP to recommend standards but those bodies admit there are potentially unknown risks and uncertainties. Yet, all fail to account for unknown risks and uncertainties, especially at low doses and dose rates. Health effects, particularly at low doses, are underestimated and ignored. NRC and those upon whom it relies to estimate risks fail to incorporate the uncertainties and known risks to vulnerable parts of the population into their risk assessments. Thus risks are ignored and underestimated. NRC and those it regulates should be protecting the public, but that is not happening.

We oppose deregulation of radioactive wastes, from high to “low” level and from “low” level to unregulated, cleared, released, de minimus or any other category essentially equivalent to below regulatory concern. We oppose use of NRC staff time and energy on the recategorization of waste to a new “low-activity radioactive waste” class.

ACE urges NRC to minimize public exposures and environmental releases of radioactivity from nuclear waste. This means preventing unnecessary generation of radioactive waste and fully regulating that which is generated. It means regulating with a goal of keeping track and control. Rather than risk-informed (de)regulation, it means precaution: a goal of preventing exposures, not setting new, higher, or more “flexible” allowable contamination levels or declassification of wastes to meet lesser protection criteria.

When regulations are carried out in the absence of due concern and care for the health effects of exposure to ionizing radiation it is irresponsible and dangerous. Dangerous options for managing nuclear waste, such as the use or misuse 10 CFR 20.2002 to deregulate nuclear waste will lead to more public exposures and in some cases, creation of more mixed radioactive and hazardous waste. For example, sending nuclear waste from decommissioning to hazardous waste sites, especially in the absence of sound scientific knowledge about the synergistic effects of radioactive and hazardous wastes is irresponsible at best.

- **ACE supports NRC development of regulations that have a goal of preventing release and exposure, rather than legalizing contamination and leakage.**
- **We support continued state authority for greater protection and encourage NRC to strengthen its “low-level” waste management and disposal requirements.**

In the interests of protecting the health of tens of millions of people across our nation,

especially our children, ACE urges NRC to strengthen, not weaken, all regulations in your Low-Level Radioactive Waste Program.

We look forward to your response.

Respectfully,

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