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Secretary of the Commission
USNRC
Washington, D. C. 20535

Dear Mr. Secretary:

Please accept the following comments on the Proposed Rule for Nuclear Power Plant License Renewal (10CFR 2, 50, and 54, RIN 3150-AD04.)

The NRC and its staff have consistently refused to look at the very large failure rate of components, systems, and people as a nuclear power plant ages. Surprising damage and failure is creeping into the nuclear power plants as they age. I received an NRC Notice where Quad Cities had both check valves and ball valves on four drainage lines failed (NRC INFO Notice 83-44.) This type of failure could cause a core meltdown. (AECU/E90-07) This type of failure is directly related to aging. This type of failure is not being controlled. Failures caused by aging are increasing and likely to cause a core meltdown.

The cost of operating an aging nuclear power plant far exceeds any benefit provided by life extension through license renewal. (NJBPU Jersey Central Power and Light Co. BPU Docket No. R 89110912J OAL Docket No. PUC 9242-89, Direct Testimony of David A. Schlissel on behalf of the Department of the Public Advocate, Division of Rate Counsel, July 1990.) This increase of costs to the point of diminishing returns for aging nuclear power plants has been shown at several places.

I respectfully request that the NRC take an unbiased look at the cost of keeping an aging reactor operating. I also request that the NRC look at the radiation exposure picture in light of the latest data. (Radiation Induced Cancer from Low Dose Exposures: An Independent Analysis, John W. Gofman, M. D., Ph. D.) Aging Nuclear power plants are more likely to expose the workers and public to greater radiation doses. I also request that the NRC look at the very large failure rates which were discussed during the plant maintenance conferences.

Respectfully submitted,

9-9-90.

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Acknowledged by card DS10

Statement of Marvin I. Lewis to the USNRC in response to the
"Below Regulatory Concern Policy Statement for Radioactive
Wastes."

Introduction.

About 2000 years ago, a young rabbi in Israel warned, "Place
not thy trust in Princes." That warning, today, might be phrased,
"Place not thy trust in experts."

Experts have lead us not to safety, but to many, unnecessary
dangers:

AIDS has reversed medical progress.

The Challenger Disaster took our best to a fiery grave.

Air conditioning has devastated the protective ozone layer.

Again, the experts lead us to more, unnecessary dangers by
promoting the dumping of radwaste into our air, food and water.
This BRC Policy Statement will promote the dumping of radioactive
waste into the air, the food, and the water. Each and every
citizen will suffer greater dangers as a consequence of this
Policy promoting radwaste dumping.

History:

Congress passed a law which required the NRC to consider
deregulating some radioactive wastes. (Low Level Radioactive
Waste Policy Act 1985). Congress wrote this "below regulatory
concern" requirement in general terms and gave the NRC
responsibility to deregulate "BRC" radwastes safely.

The NRC answered Congress with a BRC Policy which increases
the radiation dose to the public. Each member of the public will
receive a "few" millirems from each BRC radwaste. A "few"
millirems means tens, thousands or unlimited
millirems. (Additional views of Commissioner Curtiss.)

The nuclear industry estimates the dose to the public as part of this Policy. Because the NRC wants to deregulate radioactive wastes and practices which produce low doses, the nuclear industry benefits from reporting low doses. The nuclear industry saves money when radwaste and practices are deregulated to HRC.

The nuclear industry provides the data and description of practices which data the NRC uses to decide to deregulate radwaste and practices. The nuclear industry may legally overlook parts of its practice. NRC regulations allow some exposures to be overlooked. The nuclear industry reports only those doses which exceed a percentage of the maximum allowed doses (Worker Protection Regulations, 10CFR20.) These reporting deficiencies allow a radwaste to become "HRC" despite obvious dangers.

The public may petition the NRC if an NRC action threatens its safety. For anyone to petition the NRC successfully requires dedication, money and years. The NRC has increased the barriers to successful petitioning until the NRC is unapproachable by those having worthy petitions.

Petitioning does not protect the health and safety of the public. Petitioning failed to protect the public at TMI#2. The TMI#2 reactor was fueled and suffered an accident while petitioners were appealing an NRC decision to fuel the reactor. (EDNP vs BPH on the air plane crash probability.)

DRC is not intended to discourage good health practices, but it will. The companies which use this Policy will achieve vast financial rewards by heaping large radiation doses on the public. The companies which attempt to minimize the radiation dose will suffer financial.v. This Policy rewards those companies which are willing to increase the radiation dose, and those companies trying to minimize the dose face increased costs. This policy will discourage many practices which protect the public from radiation doses. This Policy discourages the nuclear industry from spending to minimize radiation doses "below regulatory concern."

This policy will allow every single person to receive a "few" millirems from each "BRC" radwaste. Every single person adds up to over 200,000,000 U. S citizens. Each "BRC" radwaste adds up to an unlimited number of radioactive wastes, radioactive waste streams and waste practices. A "few" millirems from an unlimited number of BRC radwaste streams and radwaste practices multiplied by 200,000,000 citizens adds up to a huge dose. This huge dose to the public will cause many cancers. The treatment of the victims of these cancers will cost all of us. The nuclear industry will benefit from this Policy, and the cancer costs will be paid by all of us.

In the following comments, I shall explain how this Policy endangers the health and safety of the public while providing little benefit.

Dose to the public:

This Policy allows a radiation dose to the public from each radwaste and practice. This dose is called the "Collective Dose Criterion." This Policy admits that there is no safe dose. All radiation bears some risk. The risk used in this Policy Statement is 5×10^{-4} or one cancer for every 2,000,000 millirems of dose. The dose may be a "few" millirems to each person. The following will explain how a dose of a "few" millirems given to 200,000,000 citizens from an "unlimited" number of radwastes and practices produces a large number of cancers.

The dangerous deficiency is that the risk in this Policy is based on outdated data. Newer data demonstrates that the risk from cancer is more dangerous than this Policy reports. (Radiation Induced Cancer from Low Dose Exposure: An Independent Analysis, John Gofman, M. D., Ph. D., 1990, CNR, P. O. B. 11207, San Francisco, CA 94101) Increased risk of cancer has appeared in the Radiation Effects Research Foundation data on A bomb survivors. The risk used in this Policy Statement underestimates the cancer rate by a factor of ten or greater. Many more victims will get cancer than this Policy predicts.

The NRC uses many "assumptions" to calculate the dose to the public. "Assumptions" have a sorry history. The NRC staff thru "assumptions" determined that a valve at the TMI #2 reactor did not have to be safety grade. The result of that "assumption" was the worst nuclear accident in United States' history. (President's Commission on TMI #2 Accident, "Rogovin Report.")

Collective Dose Criterion:

Each radwaste practice will be allowed to expose the public to a collective dose of 1,000,000 person-millirems. This means that each and every practice, each and every year, will be allowed to dose the public with 1,000,000 person-millirems. The number of practices, which can be exempted, are unlimited. If only 100 practices are exempted each year, this Policy will allow a dose to the public of 1,000,000,000 person-millirems per year in ten years. 1,000,000,000 person-millirems will produce anywhere from 500 to 5000 cancers and resulting deaths. (This Policy Table 1.) The Criterion is written to allow practices producing 1,000,000 person-millirems per year to continue for hundreds of years. Radwaste dumped into municipal water supplies once would dose the public for hundreds of years.

The doses and calculations used in this Policy are average or expected values. The possibility of exceeding these values has been ignored. Dumping of wastes and improper handling has plagued the defense nuclear establishment. The cleanup of the defense nuclear establishment has been estimated at \$150,000,000,000.00. This Policy invites the same arrogance and active disinterest which caused the problems within the defense nuclear establishment. This Policy invites exceeding the expected doses through arrogance and active disinterest as happened in the defense nuclear establishment.

Other deficiencies in this Policy include ignoring concentration, bioaccumulation, chelation and changing demographic and economic uses of land and radwaste constituents. All these deficiencies increase the dose above the expected numbers in this Policy. Also the need for this Policy deserves examination. Reduction in generating radwaste will eliminate the need for this Policy. The deficiencies in this Policy guarantee many cancers without providing the victims any benefit. The only benefit goes to the nuclear industry.

Summary:

This Policy is deficient in many aspects which will endanger safety of the public. The Atomic Energy Act and the NRC Charter require the NRC to protect the health and safety of the public. The NRC should protect the health and safety of the public by retracting this dangerous Policy.

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For himself and the
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