



Monday, July 25, 2016

**Comments to the United States
Environmental Protection Agency (EPA)**

Docket ID No. EPA-HQ-OAR-2007-0268

**Draft Protective Action Guide
for Drinking Water after a Radiological Incident**

Public Watchdogs is grateful to the Environmental Protection Agency (EPA) for the opportunity to comment on its proposed revisions to drinking water standards following a radiological incident such as those that occurred at Three Mile Island, Chernobyl, and Fukushima.

We respectfully submit these comments on behalf of the 8.5 million people who live within the 50-mile radiation plume zone of the San Onofre Nuclear Generating Station (SONGS) in Southern California.

SONGS is being decommissioned, but the danger of a major radiological mishap remains. At this time, the current plan is to store high-level nuclear waste in thin-walled canisters 100 feet from a public beach. The thin-walled casks carry a 20-year manufacturer's warranty. The nuclear waste represents a radiological threat to humans for hundreds of thousands of years.

Moreover, each of the 80 dry storage casks at SONGS contains more radiation than what was released during the entire Chernobyl disaster. The current utility plan is to "temporarily" store the material on the beach for up to 300 years.

The burial site will be located in a tsunami zone, on top of an earthquake fault. These thin-walled casks cannot be inspected for leaks or damage because the technology does not yet exist. In fact, the only way of knowing if a dry cask is damaged is to wait until it begins leaking millions of curies of radiation.

For these reasons we request that the public be given more time to comment, and that the new Protective Action Guidelines (PAGs) be based on authoritative medical and emergency planning research before they are published.

We make this request based on the following points:

- 1) **Redefining “Safe” levels may create public distrust of EPA.**
- 2) **Contrary to EPA claims, changing PAGs will change the law.**
- 3) **EPA has relied on unreliable sources to develop the PAGs**
- 4) **FEMA no longer has legal authority or ability to impose PAGs during a radiological emergency in California.**
- 5) **Authoritative research is needed to determine “safe” levels.**

Point 1: Redefining “Safe” levels may create public distrust of EPA

EPA’s well-earned reputation for protecting the public’s safety may be jeopardized by the premature deployment of its draft PAGs.

During the Fukushima debacle, the Japanese government proved that its bureaucrats, politicians, and safety agencies could not be trusted. Japan earned this distrust by raising its previously established levels of “safe” radiation exposure during the Fukushima crisis.

When Japan was irradiated the government declared unsafe levels of radiation to be “safe” to prevent mass panic. This well-intentioned deception created a tsunami of public distrust in Japan.

Like Fukushima, the EPA’s plans to increase acceptable levels of radiation beyond the levels it has already deemed to be toxic, puts the EPA’s credibility at risk.

Although EPA plans to mitigate public distrust by using a tiered approach, it must make it abundantly clear to the public that the tiers that are being used are tiers of toxicity, not “safe levels of radiation.”

Point 2. The Draft PAGs are a first step in changing Federal law.

The request for public comments states:

“PAG Manual is not a legally binding regulation or standard and does not supersede any environmental laws; PAGs are not intended to define “safe” or “unsafe” levels of exposure or contamination.”

That statement is disingenuous and misleading.

If PAGs are not intended to “define “safe” or “unsafe” levels of exposure or contamination,” then why is the EPA establishing the guidelines in the first place?

To suggest that revised PAGs will not establish a new level of “safe” for vastly higher levels of radiation during a radiological emergency is deceptive and unworthy of an organization as important as the EPA.

Further, it is likely that in the event of a nuclear emergency, the “new level of safe” as defined by the EPA PAGs will be codified into regulatory law by politicians and bureaucrats who are unwilling to deal with the problems associated with the mass poisoning of millions of voters.

Point 3. EPA cannot rely on the NRC’s contributions for PAGS

EPA has used a multi-agency working group within its Federal Radiological Preparedness Coordinating Committee (FRPCC), which is comprised of 20 coordinating and cooperative agencies chaired by DHS and FEMA.

The Nuclear Regulatory Commission sits on both the FRPCC Nuclear Radiological Incident Coordinating Committee and also the FRPCC Nuclear Radiological Incident Cooperative Committee.

The EPA may not be aware that Senator Barbara Boxer has called for a criminal investigation of the Nuclear Regulatory Commission (NRC) based on activities that if not criminal, certainly represent regulatory malfeasance by NRC.

Specifically, the Nuclear Regulatory Commission failed to prevent a massive design error at SONGS that imperiled the 8.5 million residents within the 50-mile radioactive plume radius. NRC did this by allowing untested and unlicensed nuclear generators to be deployed without a license amendment safety review as required under CFR 50.59.

Had the NRC conducted a license review, it never would have allowed the defective generators to be installed at SONGS. As such, the NRC’s behavior at SONGS suggests a failure to regulate.

The NRC’s continuing failure to regulate nuclear facilities properly will almost certainly create more dangerous radiological incidents in the USA as America’s 102 remaining nuclear power plants are decommissioned.

It is therefore in the best interest of the NRC to raise the acceptable level of toxicity from inevitable radiological disasters as a way of obfuscating its own shortcomings as a regulatory body. As noted earlier, the NRC has behaved irresponsibly by allowing SONGS to store waste that is toxic to humans for millions of years in containers that have a 20-year manufacturer's warranty, and cannot be inspected until *after* a radiological disaster occurs.

Perhaps even more alarming is the fact that the NRC, in its effort to conceal its own malfeasance, ordered FEMA the Federal Emergency Management Agency to discontinue participation in emergency preparedness for off-site radiological emergencies in Southern California relative to SONGS (see next point).

Point 4. EPA cannot rely on FEMA as a credible source.

FEMA, the Federal Emergency Management Agency, has been prevented from being a stakeholder in radiological disasters at decommissioned power plants such as SONGS.

Why? Because the NRC has *forbidden* FEMA from providing emergency response services.

On June 5, 2015, an NRC bureaucrat named James W. Anderson ordered FEMA to stop providing radiological emergency response services to Southern California relative to the SONGS nuclear power plant.

The order (Attachment 1: NRC_to_Fema-Tech_Hazards_Div_Director_Mitchell_6-5-15.pdf) instructed FEMA to abandon all emergency response for an offsite radiological disaster at SONGS.

FEMA then responded by issuing a notification to the State of California (see Attachment 2: FEMA_D.C._to_FEMA_CA_9_Brown_&_CA_OES.pdf)

What is relevant and should be brought to the attention of all those reviewing input at the EPA is that the June 5 letter from the NRC's James W. Anderson to Andrew Mitchell of FEMA, states the following:

“Based on the exemptions granted to SCE, the NRC no longer requires the Federal Emergency Management Agency (FEMA) to monitor, review, or report on off-site radiological EP and preparedness activities at SONGS, in accordance with the Memorandum of Understanding between FEMA and the NRC as contained in Appendix A to 44 CFR Part 353. EP and preparedness will be limited to on-site activities; notification

of off-site authorities in event of an emergency classification; requiring only on-site exercises with the opportunity for off-site response organization participation; and only maintaining arrangements for off-site response organizations (i.e., law enforcement, fire and medical services) that may respond to on-site emergencies as identified in the licensee's permanently defueled emergency plan.”

It is also noteworthy that the NRC’s direction to FEMA resulted in immediate funding cuts to FEMA Region 9 in California. This order was immediately transmitted to the California Governor’s Office of Emergency Services and from there to the local jurisdictions:

“The NRC regulations govern whether there should be Radiological Emergency Preparedness (REP) programs both onsite and offsite. Based upon the notification of the exemption, FEMA has no authority to prolong or ramp down the offsite REP requirements or to fund FEMA's REP Program as it relates to SONGS....Please consider this formal notification that FEMA will no longer review, approve and evaluate state and local jurisdictions' radiological emergency planning and preparedness activities as they relate to SONGS.”

It is our contention that the communication and coordination of these facts specific to the Southern California region were not properly articulated or coordinated by the NRC to the EPA.

Therefore, consideration by the EPA should be given to either extend the period of input and the review of input so that these conflicting facts may be addressed.

To summarize Public Watchdogs’ concerns, we submit that first, raising the level of radiation exposure in tiers puts the EPA at risk of engendering public distrust in the same manner that ex post facto changes in acceptable radiation exposure levels destroyed the reputation of Japan’s government at Fukushima.

Second, the new PAGs will be used to establish a “new normal” that will rapidly be interpreted as “safe” in future Federal rules concerning radiation levels.

Third, the EPA cannot rely on the NRC as a credible source for objective information. It has been the subject of calls for a criminal investigation and was responsible for a lax regulatory culture that approved a dangerous experimental design for a nuclear generator without a required safety licensing review.

Fourth, FEMA is not a credible source for emergency planning data relevant to decommissioned nuclear reactors. Under the orders of the NRC, FEMA has abandoned all responsibility for offsite emergency response to a nuclear disaster at SONGS by shifting the responsibility for emergency response to local fire departments and police who are ill-equipped to deal with a radiological disaster.

Finally, while it is true that SONGS may be an outlier in terms of overall emergency planning for a nuclear disaster, the facts are that in the next 50 years more than 100 American commercial nuclear reactors will be decommissioned.

It is unconscionable that the hundreds of millions of people who live near these facilities could be subjected to higher risks of cancer in the mistaken belief that they were being exposed to acceptable and therefore safe levels of background radiation.

The net effect of the new draft PAGs by EPA may well be to turn what would currently be classed as a Fukushima style health emergency into a “background radiation event.”

We therefore urge the EPA to maintain its current standards for harmful radiation, and to extend the period for public comment.

To do otherwise is contrary to the public interest and to risk being perceived as a propaganda tool for the nuclear industry.

Respectfully Submitted



Charles Langley
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Attachment 1: NRC_to_Fema-Tech_Hazards_Div_Director_Mitchell_6-5-15.pdf
Attachment 2: FEMA_D.C._to_FEMA_CA_9_Brown_&_CA_OES.pdf