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CONEJOS COUNTY CLEAN WATER, INC

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[WHAT'S IN THE WASTE? A CONCERN WITH DU (DEPLETED URANIUM) AND REGULATIONS OF ITS DISPOSAL]

Thank you STB members for coming to hear our concerns. Your presence gives me a feeling of hope.

I begin with the contention that our CCLUC (Conejos County Land Use code) exists to protect the people from any dangers to land, health and life. Regulation helps the citizens feel some measure of safety. Local laws are more cognizant of what is needed to insure safety and should not be preempted.

For me the driving force in this issue has been fear—fear of the unknown, fear of lenient regulation or no regulation at all.

Initially the news of transferring and subsequently transporting any concentration of nuclear waste was alarming because I firmly agree with the National Academy of Sciences that there is no safe dose of radiation.[1] Cell physiology is so intricate that any subtle changes are cumulative and the threshold of exposure can lead to a myriad of cellular complications resulting in many different types of maladies, cancer being at the forefront.[2]

So what is to be done to calm this fear? Transparency is the solution. Yet we have seen none of this. What is in those bags? We know that all LLW can include anything except irradiated fuel out of the reactor. After some research in the short amount of time given us, I have found that the information provided to us, about the danger of PCBs and the various radionuclides, did not match the severity of the effects of the very substances of concern that SL&RG lists in their petition to this Board. The safety measures taken did not protect anyone from these same effects. In some cases there were no safety measures.

What I have found is the opposite of transparency. Initially copies of manifests were not given to the CCCW when we asked for them. The presentations given were condescending and diluted in their explanation.

Any good business comes prepared to answer any and all questions when it asks a governing entity the right to proceed. Where is the business plan that describes what the proposed transfer facility will look like and where are the designs of the structures that will be built to protect the river from runoff? Where is the study that provides a baseline for soil and water before possible contamination? Where are the placards so that the public knows that this is an area that might be compromised? Where are the studies that describe how a slow moving river will protect itself if it should be compromised? Where is the study that indicates how every irrigation ditch over which the train travels will be protected? Where are the notices to the ranchers whose irrigated land might be negatively impacted? Where are the notices to all towns and cities in route of this transport?

Where is a detailed mitigation plan? Where are the trained men and/or women who will help in a cleanup of possible spills? Where do any of the involved entities confirm what is being transported and how they will contain nuclear energy?

Nationwide we are not the only group that is asking questions. Citizens (HEAL) from the state of Utah, home to Energy Solutions' waste site, have appealed for a moratorium in the disposing of DU (depleted uranium). This is one of the radionuclides that is included in a listing on one of the packages on a truck trailer. The study done by this group showed how the classification of the A,B, and C levels for LLW has changed since 1981. In 1981 the concentration of DU that could be transported to a place like Clive, Utah had to be less than .05microcuries per cubic centimeter. Anything above this was to be taken to places like WIPP in Carlsbad, NM. But due to the need for more disposal sites the standard was changed. What happened is that the NRC (Nuclear Regulatory Commission) was only responsible for commercial waste and the amounts of DU generated in these places were too small and deemed 'safe'. So DU was removed from the classification columns. By default DU fell under the A categorization and the concentration was not regulated. Therefore they ignored a 'very large, very concentrated, very risky waste stream" that was being generated by the DOE. Furthermore, this group pointed out that the NRC does not regulate the DOE and so this last entity moves DU waste conveniently labeling DU class A. The HEAL group studies maintain that the "…concentration of the depleted uranium that Utah stands to get from the DOE will be over 10 times the concentration the draft tables would have considered unsuitable for shallow land burial." When ES tells us that it only accepts Class A waste where DU is concerned Class A indicates a 'super' range of toxicity. So the answer to the question, "what is in those bags?" is not definitive. Where DU is concerned not regulated.

This group also emphasized the fact that DU has the unique property of becoming 'hotter' more radioactive and more hazardous overtime.[3] This was found to be true of a shipment of DU that was headed to Clive from Savannah Valley in December of 2009. That shipment was placed in storage until safety parameters were achieved. On December of 2010 ES sought an extension on DU performance assessment. "Despite pressure from some environmental groups, NRC recently decided against reclassifying DU as a "hotter" waste—a move which would have changed disposal requirements." This last again in support of my premise that we are moving to more lenient regulation if regulation at all outside of the local level.[4]

On January 26th, 2011 the media informed us that some of the waste shipped to Clive was reported as not compliant to regulations set by the receiver ES. To quote Christopher Thomas of the Healthy Environment Alliance of Utah, "… the allegations indicate a troubling pattern. For a company the size of Energy Solutions to make such serious and repeated errors over the last two years with something as dangerous as nuclear waste …breeds deep distrust of anything

else the company says."[5] What escapes me is that as the waste was sent to Clive many citizens were exposed to these non-compliant shipments and how were they informed and/or protected? Low level nuclear waste does imply low level risk.[6]

On February 7th, New Mexico's channel 13 ran a news piece "Dangerous Digs"[7]. This clip showed a dig that resulted in contamination of workers in one of the cleanup sites at Los Alamos. Whoever is cleaning up the 'Manhattan Project" area was not there when the contamination happened so they are not truly aware, without some intense analysis, what they are digging into. By admission of DOE representatives, "If it's safe we will leave it there." So the obvious deduction is that if it is not safe it will be moved. So I ask again, "Will this be moved through here? And how will we know what will be in those bags?"

Another particular that troubles me is that the cleanup is said to be done by 2015. Other nuclear cleanup activities in the US are conducted on sites where the project has been completed and then subsequently cleaned up and closed. Los Alamos is a facility that continues to operate. This entity will be generating waste ad infinitum. This waste is headed to one receiving site or another until they learn to mitigate their waste on site. Will the transfer site in Conejos County be part of that scenario? I suggest that rather than playing shell games of 'now we'll hide it here now we will hide it there' they mitigate it on site.[8]

Nobody wants to be regulated when it comes to the disposal of DU. It is now common knowledge that an industrial park was proposed south of Antonito, south beyond the last perlite refinery. Regulations were part of that plan. Given this, why was this so called solid waste transfer facility, which was going to be part of the industrial park, moved so quickly 250 feet from the San Antonio River? It seems that the stimulus funds were the motivating factor. This was a decision made in the moment with no planning for the environment or the people. The CCLUC was never followed. Waste shipments were made before any sort of approval from anyone was given.

In summary, due to the unknowns as far as what is being shipped and who is regulating those shipments, I feel that there is a legitimate fear that is warranted by this activity of transferring nuclear waste. The health issue is the biggest concern because of these unknowns. We do not know to what we are being exposed. Not only do we put the community in direct proximity to this waste at risk, we put all citizens in route at risk. Remember that the final shipment that arrived at the Conejos County facility south of Antonito on December 14th of 2009 left this same facility on December 22nd and arrived in Clive on January 6th, 2010. Where were these gondolas? How long at each site? How many people exposed? No regulation. Big health hazards.

Having thought through all of this I ask: What shipments are we talking about here and now? The last campaign is over. What doors do we open for exposure to more radioactive substances if pre-emption is granted? Why should this be the gateway that exposes all of Colorado through which this train travels? Why aren't these other citizens involved in this decision? When do we inform them and ask their permission to be exposed? This rail line has created an odd situation where the railroad is petitioning to pre-empt local land use laws when the proposed transfer site is unapproved at the Federal level. Until NEPA occurs this plan is premature and not ripe for ruling.

Thank you again.

REFERENCES

[1] http://www.nirs.org/press/06-30-2005

[2] http://www.nap.edu/openbook.php?record_id=11340&page=43

[3] http://www.nirs.org/radwaste//llw/jaczko_ducom

[4] http://www.deq.utah.gov/Issues/hottopics/depleteduraniumtest.htm

[5] http://www.sltrib.com/sltrib/home/51130778-76.com...

[6] http://www.nirs.org/factsheets/llwnolowrisk.pdf,

[7] dean.staley@krqe.com

[8] http://www.ananuclear.org/Issues/ANAintheNews/90/articleType/ArticleView/articleId/362/Defaultaspx

WHAT IS IN THE WASTE?

A CONCERN WITH DU (depleted uranium) AND REGULATIONS OF ITS DISPOSAL

A LOOPHOLE IN THE SYSTEM OF DISPOSING OF RADIONUCLIDES

- SINCE 1981 THE CONCENTRATIONS OF DU THAT IS DISPOSED OF HAS CHANGED
- http://healutah.org/files/u8/HealDuSlidesForRcb

- Utah’s low-level classification system has been compromised by
  1-eliminating DU as a radionuclide listed in it’s A, B, and C scales
  2-causing DU to be Class A classified by default despite its concentrations

What are the consequences?

- In 1981 .05 microcuries per cc was the limit for Class A, B, and C waste
- In 1981 any waste having greater that this concentration of natural or depleted uranium was NOT considered appropriate for shallow land disposal, like ES’s site in UTAH

Why was uranium removed from the waste classifications tables?

- The NRC (Nuclear Regulatory Commission only sets rules for commercial entities
- Only commercial licensees were looked at and the uranium waste was small—in their minds posed no risk
- Therefore, they ignored a “very large, very concentrated and very risky waste stream” – that generated by the DOE
- The DOE is not required to play by NRC’s rules
- Therefore, by NRC’s saying that Uranium waste was Class A, large amounts of highly concentrated DU were left an open question

DU'S EXTRAORDINARY PROPERTIES

- DU gets 'hotter' over time—grows more radioactive and hazardous over time
- One of the decay products of U-238, main constituent of DU is Radium-226

MY CONCLUSIONS

- I say to all of you on the Board that knowing this, and knowing that this issue is still not addressed I cannot help but deduce that in fact we do not know what is being sent to Clive as legitimate concentrations of DU
- The health issue is the biggest issue here because of this unknown
- Not only do we put the community in direct proximity to this waste at risk, we put all citizens en route at risk
- DU, radionuclides, are wastes that need to be in motion in transport but in the last loading south of Antonito, those gondolas took 30 odd days to reach Clive
- Where were they? How long at each site? How many people exposed? No legitimate regulations.