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NACKA TINGSRÄTT
Avdelning 4

INKOM: 2017-05-12
MÅLNR: M 1333-11
AKTBIL: 526

Anders Lillienau
Sweden Nacka Tingsrätt
Augustendalsvagen 20
13152 Nacka Strand
Sweden
By Email: mmd.nacka.avdelning4@dom.se

9th May 2017

Reference M 1333-11; Utkast till Förhandlingsordning

Dear Anders Lillienau,

Following my telephone call this morning I am writing in response to your recent document requesting Opinions, to assist the Environmental Court in making a decision about the proposed nuclear waste repository and associated processes.

1. I have written a number of reports in the past few years in which I address the proposals and point out a number of serious problems with the Environmental Impact analyses which together result in significant and legally unacceptable risk to those exposed to radioactivity during the immediate project time-frame and also the very long term time-frame. You have these documents on file.
2. In the last year, and since I provided these reports, new and important evidence about the risks for exposures to small quantities of internal radionuclides have emerged. This evidence is mainly from epidemiological studies of the rates of heritable effects, congenital malformations and infant deaths in areas of Europe affected by contamination from Chernobyl. A scientific paper reviewing this evidence and addressing the source of the error in the current radiation risk model which underpins the Forsmark Environmental Impact statements was published by me and some colleagues in January 2016 [1]. It was followed by a letter I published in the US journal "Genetics" showing how the epidemiological basis of the current radiation risk model used in Sweden that of the International Commission on Radiological Protection, is strictly invalid for internal exposures owing to wrong choice of, and later abandonment of, unexposed controls [2].
3. This New and Important Evidence is sufficiently strong to trigger Article 6.2 of the EURATOM Basic Safety Standards Directive 96/26 which requires re-Justification of all proposed and historic exposures of members of the public to ionizing radiation. Ditta Rietuma and I have since December 2016, formally asked the SSM to address this legal issue. In a letter dated 16-02-2017 Fredrik Hassel of SSM, the legally designated EURATOM contact, refused to do so. We then wrote to the Chancellor of Justice and the Swedish Environment Ministry asking them to address this issue before we took the matter to the

European Commission as an Infringement of European Law, and to the Media. We have had no reply yet from either bodies.

4. This evidence in the Scientific literature shows clearly that the ICRP model upon which the Forsmark Environmental Impact analysis is based is insecure, and that Swedish people will suffer genetic damage and children will die as a result of releases to the Baltic Sea in both the near and distant future. The Court cannot therefore permit the project to proceed.

5. Because this is a scientific and epidemiological issue, requiring some expert presentation and the possibility of a response to the Courts's questions, I would like to present an expert opinion to the court on an appropriate day of the hearings. Because I travel a lot in connection with my scientific expert work, I would be grateful if I could be informed about being able to give such Opinion, and from the outline agenda document I received I suggest the 7th or the 8th of September as an appropriate day. To address the issue properly I feel I would need about 20 minutes, and the possibility of using some powerpoint slides would be useful.

Thank you

Yours sincerely

Christopher Busby

cc. Ditta Rietuma

[1] Schmitz-Feuerhake, Busby C, Pflugbeil P. Genetic Radiation Risks-A Neglected Topic in the Low Dose Debate. *Environmental Health and Toxicology*. 2016. 31Article ID e2016001.

[2] Busby Christopher. Letter to the Editor on "The Hiroshima Nagasaki survivor studies. Discrepancies between results and general perception." By Bernard R Jordan. *Genetics*. 2016; 204(4) 1627-1629