

**From:** "Sylvia Field" <ferns@together.net>  
**To:** <NRCREP@nrc.gov>  
**Date:** Tue, Sep 5, 2006 5:12 PM  
**Subject:** Comments from Comments by NEC on the Future of NRC's Rad Waste Program

Chief, Rules and Directives Branch  
Mr. Ryan Whitehead, Chief, Low Level Waste Section

**COMMENTS OF THE NEW ENGLAND COALITION ON THE FUTURE OF NRC's LOW LEVEL RADIOACTIVE WASTE PROGRAM 71 FR 120, 38675-6**

The New England Coalition is a public-interest organization with concerns about the safe management, storage, and long-term isolation of all radioactive materials and wastes that are generated by the use of nuclear power reactors to generate electricity. Our particular focus is currently on the operations and waste production at the Entergy-owned Vermont Yankee Nuclear Power Station located on the Connecticut River at Vernon, Vermont.

As the low level waste program staff develop their priorities for the years ahead, we strongly recommend that highest emphasis be placed on the regulatory implications of the basic low-level radiation research findings of leading radiation microbiologists in the United States and abroad. For nearly twenty years, they have been reporting unanticipated and generally adverse low-dose effects at the cellular level. The National Academies of Science Committee on the Biological Effects of Ionizing Radiation reported sixteen years ago that the relationship between dose and response was linear with no proven "safe" level of exposure. They concluded in 1990 and again this year that there is no threshold dose level below which there is no risk of cellular injury.

The accumulating strength of evidence of low-dose impacts -- such as the so-called cellular bystander communication effects, genomic instability, and adaptive responses -- must be taken into account by the NRC, especially with respect to its regulation of low-level radioactive materials and wastes that may be deregulated under this program and allowed to enter the environment. Subsequently they may cause exposures that have no positive purpose for the person so exposed by coming into contact with slightly radioactive objects. Without labels to notify (none required), the recipient of doses may come from many sources. As more wastes are generated and recycled, the frequencies of small doses will add up. Each, even if minute, is both an addition and an accumulation above naturally occurring background sources of exposure.

We are well aware that the NRC, EPA, DOE, and other federal and state regulators have tried repeatedly for decades to allow release and recycle of radioactive equipment, metals, and other waste materials fabricated into a host of consumer products. This method of "disposal" has repeatedly been rejected by individuals, by communities, and by state legislative bans.

Now we find that the NRC is proposing Congressionally-mandated rules (Energy Policy Act of 2005) for regulation of certain radium sources, accelerator-produced, and naturally-occurring radioactive materials )NORM

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and NARM). The Commission, in a draft Proposed Rule chooses to exempt or altogether exclude many of many of these materials from regulatory control, rather than require protection of the public from additional exposures. The scientific evidence warns the Commission that such releases and reuses will add to the risks of fatal cancers, nonfatal illnesses, and near-term or distant genetic damage.

Much of the review of these wastes and their threats to human health and safety will take place in this Low-Level Waste Section of the NRC. We believe that there is no more important matter for the Commission to address. This is because each individual in the general population will be potentially receiving multiple low-level exposures from many recycled objects and sources. Some, or none, may be large enough to be measurable by that recipient, but no one-- neither licensee, other user, or government employee -- can be identified and held responsible for any damage that may be experienced by that recipient of unwanted extra irradiation that provides no benefit. This scenario is real, is already happening, and is contrary to the mandate to protect health and safety of the public in the Atomic Energy Act of 1954 as amended and in all subsequent legislation that addresses radiation regulation.

All future focus for this subsection of the NRC should therefore focus on, first, these issues of biological effects of low doses, and the prevention of radiation exposure -- not the pleadings of licensees for financial and regulatory relief, as is already happening. Second, develop a focus on research and testing to develop improved methods that will assure the complete sequestration of all low-level radioactive wastes for the duration of their biological threat to future human beings and to other biological organisms.

We request your careful attention to these comments and requests.

Sincerely,  
Sylvia Field  
Secretar,  
New England Coalition

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