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NUCLEAR ENERGY INSTITUTE

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PROPOSED RULE **PR 20**
(66 FR 36502)

September 25, 2001 (12:02PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

September 24, 2001

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTENTION: Rulemakings and Adjudication Staff

SUBJECT: NRC Proposed Rule on "Revision of the Skin Dose Limit," 66 *Fed. Reg.* 36502, dated July 12, 2001

This letter provides the comments of the Nuclear Energy Institute¹ on behalf of the nuclear energy industry regarding the subject *Federal Register* notice. These comments were developed from industry input with the assistance of a group of industry radiation protection staff that reviewed the proposed rule, accompanying information, and supporting regulatory analysis.

The proposed rule has a strong scientific basis, which we believe is requisite to assuring that workers will continue to be fully protected. The proposed rule reflects the recommendations and advice of the Congressionally-chartered National Council on Radiation Protection and Measurements (NCRP). The NCRP recommendations have been endorsed by the 85 scientific experts on the Council. The NRC has also incorporated advice from the NCRP in order to create a uniform approach to estimating dose to the skin that will help improve and simplify the application of the proposed rule.

In establishing the protective standard in the proposed rule, the NRC has relied on the results of scientific research conducted at the Brookhaven National Laboratory. This research was contracted by the NRC specifically to confirm that there would not be any significant health effects associated with the change to the skin dose limit contemplated in the proposed rule. An independent scientific research project at Texas A&M University, conducted under contract from the Electric Power Research Institute, yielded similar confirmatory results.

¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory aspects of generic operational and technical issues. NEI members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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The proposed rule incorporates a risk-based approach that will allow licensees to better evaluate workplace conditions and potential risks and select protective measures that optimize radiation protection and industrial safety. The flexibility in implementation provided by the proposed rule will help avoid the use of overly restrictive practices and equipment, thereby enhancing worker efficiency and lessening the time spent in radiological work areas. This will have the effect of reducing whole-body radiation dose and physiological stress to workers (e.g., heat stress) with little or no increase in risk associated with radiation dose to the skin. As a result, the proposed rule will support an overall improvement to worker safety.

The proposed rule will permit a reduction of unnecessary burden while maintaining the current level of protection of worker health and safety. The proposed change is uniform, simple to implement, and fits within the existing regulatory framework for radiation protection. The rule will enable licensees to reduce or eliminate intermittent surveys and monitoring checks presently performed in radiological areas to document compliance with the overly restrictive criteria in the current regulation. Such surveys and checks have resulted in additional whole body dose to workers and health physics staff with little or no benefit to worker health and safety—additional dose that will be avoided as a result of implementation of the proposed rule.

Under the proposed rule, licensees will continue to report to workers and the NRC occupational radiation dose, including dose to the skin, consistent with the current regulation. NRC staff guidance provides options to licensees for recording dose from discrete radioactive particles on annual dose reports from which the NRC is able to determine that an overexposure has not occurred. The proposed rule will change the method for estimating dose to the skin but it does not, and should not, change existing dose reporting requirements and guidance. We suggest that the final rule include accompanying information that confirms this point.

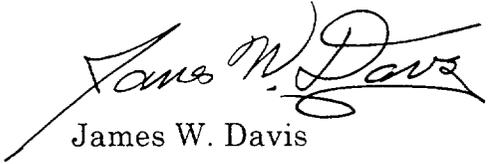
Under the proposed rule the current protective level of public health and safety will be maintained. The proposed rule is limited to making a change in regulation to establish a risk-based approach for estimating dose to the skin, which will have the affect of improving overall worker safety and reducing occupational radiation dose to workers. The proposed rule does not change regulatory requirements to monitor and control licensed radioactive material and to prevent any unauthorized release of radioactive material from restricted area of licensee facilities.

In summary, the proposed rule when adopted, will establish a risk-based approach to the regulation of occupational radiation dose to the skin that enables licensees to enhance worker safety and reduce unnecessary burden, while maintaining the current protective level of public health and safety.

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We appreciate the opportunity to provide our comments on the proposed rule. If you have any questions regarding our comments, please contact Ralph Andersen at (202) 739-8111.

Sincerely,

A handwritten signature in black ink that reads "James W. Davis". The signature is written in a cursive style with a long horizontal stroke extending to the left from the start of the name.

James W. Davis