

From: Robert Meck ^{RES}
To: Broaddus, Doug; Brummett, Elaine; Cardile, Frank; Collins, Steven; Cook, John; Farrand, David; Feldman, Carl; Gnugnoli, Giorgio; Hamel, David; Huffert, Anthony; Kopsick., Deborah; Neave, John; Pstrak, Dave; Vazquez, Gustavo
Date: Fri, Jul 18, 2003 1:04 PM
Subject: Draft comments on IAEA DS-161 COMBINED FROM ISCORS

Dear Colleagues:

Attached are the draft combined comments from NRC, DOE, EPA, CRCPD (IL), and DOL for your review and comment. Given the conceptual difficulties in the draft DS-161, it seems irrelevant to give detailed comments on this draft.

Please submit your comments, suggested modifications, and additions to me in an e-mail by COB July 25.

It is interesting to note that the comments submitted by the French have similarity with our draft comments. I just received a copy this morning, and they are attached for your information.

Best regards,

Bob

Robert A. Meck, Ph.D.
Senior Health Physicist
T9-F31
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Telephone: 301 415-6205
FAX: 301 415-5385
e-mail: ram2@nrc.gov

CC: Clark, Mary; Cool, Donald; Eltawila, Farouk; Essig, Thomas; Frant, Susan; Greeves, John; Holahan, Patricia; Kennedy, James; Klementowicz, Stephen; Lewis, Robert; Lohaus, Paul; Quay, Theodore; Setlow, Loren; Thadani, Ashok; Treby, Stuart; Trottier, Cheryl

B-40

From: "Vazquez, Gustavo" <Gustavo.Vazquez@eh.doe.gov>
To: "Robert Meck" <RAM2@nrc.gov>
Date: Fri, Jul 18, 2003 4:04 PM
Subject: RE: Draft comments on IAEA DS-161 COMBINED FROM ISCORS

Bob,

Attached are DOE's comments in final form. Be well !

Gustavo

-----Original Message-----

From: Robert Meck [mailto:RAM2@nrc.gov]
Sent: Friday, July 18, 2003 1:05 PM
To: Vazquez, Gustavo; Neave, John; Kopsick, Deborah@epa.gov;
farrand.david@hq.navy.mil; Anthony Huffert; Carl Feldman; Doug Broaddus;
Dave Pstrak; Elaine Brummett; Frank Cardile; Giorgio Gnugnoli; John
Cook; dave.hamel@osha.gov
Cc: Clark.marye@epa.gov; Setlow.Loren@epamail.epa.gov; Ashok Thadani;
Cheryl Trottier; Donald Cool; Farouk Eltawila; James Kennedy; John
Greeves; Paul Lohaus; Patricia Holahan; Robert Lewis; Stuart Treby;
Susan Frant; Stephen Klementowicz; Thomas Essig; Theodore Quay
Subject: Draft comments on IAEA DS-161 COMBINED FROM ISCORS

Dear Colleagues:

Attached are the draft combined comments from NRC, DOE, EPA, CRCPD (IL), and DOL for your review and comment. Given the conceptual difficulties in the draft DS-161, it seems irrelevant to give detailed comments on this draft.

Please submit your comments, suggested modifications, and additions to me in an e-mail by COB July 25.

It is interesting to note that the comments submitted by the French have similarity with our draft comments. I just received a copy this morning, and they are attached for your information.

Best regards,

Bob

Robert A. Meck, Ph.D.
Senior Health Physicist
T9-F31
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Telephone: 301 415-6205
FAX: 301 415-5385
e-mail: ram2@nrc.gov

CC: "Wallo, Andrew" <Andrew.Wallo@eh.doe.gov>

Title: RADIOACTIVITY IN MATERIAL NOT REQUIRING REGULATION FOR PURPOSES OF RADIATION PROTECTION

Comments by Reviewer				Resolution			
Reviewer: Page 1 of 7 Date: July 18, 2003 Country/Organization: USA/NRC/DOE/EPA/DOL							
Comment No.	Para/Line No.	Proposed New Text	Reason	Accepted	Accepted but modified as follows	Rejected	Reason for modification/rejection
1	General	The April 2003 draft IAEA Safety Guide, DS 161, proposes "activity concentration levels" that might be used to define the scope of regulations, or, alternatively, define radioactivity for the purpose of regulation. These activity concentration levels are presented in the context of the Basic Safety Standards (BSS) principles of exclusion, exemption, and clearance. For the IAEA, the BSS are the standards somewhat analogous to the NRC regulations, and the Safety Guides are analogous to NRC Regulatory Guides. However, the BSS does	Usefulness; Scope; Completeness; Quality Clarity				

Comments by Reviewer				Resolution			
Reviewer: Page 1 of 7 Date: July 18, 2003 Country/Organization: USA/NRC/DOE/EPA/DOL							
Comment No.	Para/Line No.	Proposed New Text	Reason	Accepted	Accepted but modified as follows	Rejected	Reason for modification/rejection
		<p>not have the force of law; rather they are the consensus of the FAO, IAEA, ILO, OECD/NEA, PAHO, and WHO. A logic diagram that emphasizes the implementation of exclusion, exemption and clearance and their roles in radiation protection under the current BSS is attached.</p> <p>This draft DS 161 does not clearly describe how to implement the principles of exclusion, exemption, and clearance. It could be read to imply regulatory inflexibility for excluding exposures (i.e., deemed unamenable to regulatory control) arising from naturally occurring radionuclides. Such an interpretation would lead to exclusion of naturally</p>					

Comments by Reviewer				Resolution			
Reviewer: Page 1 of 7 Date: July 18, 2003 Country/Organization: USA/NRC/DOE/EPA/DOL							
Comment No.	Para/Line No.	Proposed New Text	Reason	Accepted	Accepted but modified as follows	Rejected	Reason for modification/rejection
		occurring radionuclides from regulation on the basis of a single concentration, rather than including case-by-case consideration of whether there is a net benefit (justification) to regulate them. [See top arrow on "Exclusion" rectangle in attached logic diagram.]					
2	General	This draft DS 161 changes the BSS Schedule I from dose criteria for exemption of naturally occurring radionuclides to a benchmark concentration, regardless of dose. Thus, it, as a guide, is an inappropriate instrument to change the BSS. Further, the consensus of the other BSS sponsoring agencies to change the BSS in this manner is not evident.	USEFULNESS; SCOPE; COMPLETENESS; QUALITY CLARITY				

Comments by Reviewer				Resolution			
Reviewer: Page 1 of 7 Date: July 18, 2003 Country/Organization: USA/NRC/DOE/EPA/DOL							
Comment No.	Para/Line No.	Proposed New Text	Reason	Accepted	Accepted but modified as follows	Rejected	Reason for modification/rejection
3	General	DS 161 only needs to establish clearance levels to accomplish its objectives to clarify the relationships among exclusion, exemption, and clearance. It can do so without changing the BSS, as illustrated in the attached logic diagram. Clearance levels establish the lower bound to "amenable to control" without the implication of removing the potential for higher levels being excluded. As such, clearance levels should be established on a uniform "trivial dose" basis for all radionuclides. It would be contrary to the principle of justification to have a single concentration for the exclusion of NORM. Above the clearance level, exclusion requires an evaluation of amenability of control.	Usefulness; Scope; Completeness; Quality Clarity				

Comments by Reviewer				Resolution			
Reviewer: Page 1 of 7 Date: July 18, 2003 Country/Organization: USA/NRC/DOE/EPA/DOL							
Comment No.	Para/Line No.	Proposed New Text	Reason	Accepted	Accepted but modified as follows	Rejected	Reason for modification/rejection
4	General	IAEA should in a separate effort address the resolution of GC(44)/RES/15 with all agencies and organizations with internationally recognized authority to address the full scope of this resolution (commodities, foodstuffs and wood). These agencies and organizations would likely include: WHO, WTO, FAO, etc.	USEFULNESS; SCOPE; COMPLETENESS; QUALITY CLARITY				

Comments by Reviewer				Resolution			
Reviewer: Page 1 of 7 Date: July 18, 2003 Country/Organization: USA/NRC/DOE/EPA/DOL							
Comment No.	Para/Line No.	Proposed New Text	Reason	Accepted	Accepted but modified as follows	Rejected	Reason for modification/rejection
5	General	There are several implementation concerns. Use of different criteria for artificial and naturally occurring nuclides could cause difficulties in worker protection. Additional implementation difficulties could arise in transportation and measurement (long count times). Surface concentration levels are not adequately addressed. Averaging and sampling guidance should be included in this Safety Guide.	USEFULNESS; SCOPE; COMPLETENESS; QUALITY CLARITY				
6	General	There is ambiguity in the treatment of naturally occurring nuclides with low atomic numbers, because they are listed also as artificial nuclides, e.g., H-3, C-14, S-35, Na-22, etc.	USEFULNESS; SCOPE; COMPLETENESS; QUALITY CLARITY				

