January 4, 2005

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-04-0223 - REQUEST FOR APPROVAL OF STAFF COMMENTS ON THE 2005 RECOMMENDATIONS OF THE INTERNATIONAL COMMISSION ON RADIOLOGICAL PROTECTION

The Commission has approved the staff's plans to transmit comments to the International Commission on Radiological Protection (ICRP) on the draft ICRP 2005 Recommendations, subject to the following comments and changes.

The Commission supports the staff's position that ICRP should delay finalizing the draft 2005 Recommendations to allow the "foundation documents" to be reviewed by the international community, and to permit consideration of the results of the BEIR VII study and the next UNSCEAR report. Also, the Commission agrees that it is not necessary to develop a framework for radiological protection of non-human species, and Section 11 and Appendix B of the draft recommendations should be removed. The staff should continue to express the Commission's concerns about developing standards for protection of flora and fauna to the ICRP and the IAEA in the appropriate forums.

There should be internal consistency within the ICRP document. For example, the inconsistencies in the document with some table values requiring regulatory action for material below the exemption value should be corrected.

Consistent with the path the NRC has taken in the ongoing rulemaking for controlling the disposition of solid materials, general comment number 7 should be revised to clearly indicate that the Commission supports the concept of exemption, and that there should be no regulatory requirements (e.g., optimization) from a radiological perspective for material with radioactivity below the exempt values. Additionally, there may be some levels above the exemption constraint where further optimization is not practical, and ICRP should provide some guidance in this area.

The staff should remain firm in its position in comment 14 that the ICRP should clearly describe the scientific basis for its decision to more emphatically endorse the linear, no-threshold dose-response model.

Specific comment number 46 should read that the value chosen for exemption should be at a level where no further regulatory controls or optimization is necessary from a radiological perspective. The document should be revised to eliminate any inconsistencies between the exemption values and minimum constraint values.

The staff should continue to monitor ICRP activities and review ICRP documents, and, consistent with previous direction, should continue to raise any potential policy issues to the Commission. In these interactions, the staff should reinforce the principle that radiological protection recommendations should enhance public health and safety, and the costs of implementing the recommendations should be commensurate with their potential benefits.

The Commission would like to thank the Advisory Committee on Nuclear Waste (ACNW) for its detailed review of the ICRP recommendations and for the clear and well written letter report dated November 3, 2004. This effort by the ACNW working group was beneficial to both the staff and the Commission.

Additional change to Attachment 2

1. On page 1, paragraph 1, line 4, change "... The NRC's was ..." to "... The NRC was ..."

2. On page 3, item 8, change first sentence to read: "NRC is unaware of any evidence ..."

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
DOC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR