

release 11

From: Patricia Holahan *NMSS*
To: Margaret Federline; Martin Virgilio
Date: Thu, Jul 24, 2003 2:23 PM
Subject: Fwd: Draft comments on IAEA DS-161 COMBINED FROM ISCORS

Attached are the draft comments on DS-161 for our meeting tomorrow. We can discuss them further at that time.

However, John and I discussed today and we would like to revise two comments, specifically comment 4 and 5.

We would recommend that comment 4 be revised to say:

As agreed in the past by RASSC/WASSC, IAEA should engage WHO, WTO, FAO, etc regarding foodstuffs and water.

Comment 5 should be revised to state:

As discussed at RASSC/WASSC, the averaging and sampling guidance should be included in a separate Safety Report. This is currently identified in the agency Blue Book.

Note the French comment - they basically state the DS-161 should not be issued. It may impact our rulemaking effort.

Thanks, Trish

CC: Cheryl Trottier; Frank Cardile; John Greeves; Robert Meck

F-8

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 |
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| 1 | General | <p>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 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</p> | Usefulness; Scope; Completeness; Quality Clarity | | | | |
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| 2 | General | <p>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.</p> | <p>Usefulness; Scope; Completeness; Quality Clarity</p> | | | | |
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| 3 | General | <p>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.</p> | <p>Usefulness; Scope; Completeness; Quality Clarity</p> | | | | |
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| 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 | | | | |
| 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 | | | | |

[illegible]

