

PR 19, 20 and 50  
(71FR55382)



NUCLEAR ENERGY INSTITUTE

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NUCLEAR GENERATION

December 20, 2006

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USNRC

December 20, 2006 (3:00pm)

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

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**ATTENTION:** Rulemakings and Adjudications Staff

**SUBJECT:** "Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent," Proposed Rule (71 Fed. Reg. 55382, dated September 22, 2006)

This letter provides comments of the Nuclear Energy Institute (NEI), on behalf of the nuclear energy industry, on the proposed rule intended to clarify or revise Nuclear Regulatory Commission (NRC) regulations to reduce unnecessary regulatory burden, as described in the subject *Federal Register* notice.

NEI supports the intent of the proposed rule. Based on specific input from member company licensees, NEI concludes that each of the proposed changes, when issued as a final rule, will have the effect of reducing unnecessary regulatory burden while maintaining an adequate level of protection of health and safety.

Specific comments on the proposed changes are enclosed. If you have any questions regarding our comments, please contact me at (202) 739-8111; [rla@nei.org](mailto:rla@nei.org).

Sincerely,

A handwritten signature in black ink that reads "Ralph L. Andersen". The signature is written in a cursive, flowing style.

Ralph L. Andersen

Enclosure

Template = SECY-067

SECY-02

**Nuclear Energy Institute Comments on “Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent” (71 Fed. Reg. 55382, dated September 22, 2006)**

These comments are provided by the Nuclear Energy Institute (NEI), on behalf of the nuclear energy industry, in regard to the Nuclear Regulatory Commission (NRC) proposal to conduct rulemaking to reduce unnecessary administrative and information collection burdens on licensees without affecting the level of protection to either the health and safety of workers and the public or the environment. These comments were developed with the assistance of an industry task force of nuclear power reactor radiation safety managers and health physicists.

We support the intent of the proposed rule and agree that the proposed changes will have the effect of reducing unnecessary regulatory burden on licensees without affecting the adequate level of protection afforded by the current rule. Our specific comments are provided below on a section-by-section basis.

10 CFR 19.13 – Notifications and Reports to Individuals

We support the proposed change to this section of the rule and provide the following specific comments to enhance clarity and implementation:

1. To improve clarity, we suggest that NRC specify in the supplementary information accompanying issuance of the final rule, that the criteria in 10 CFR 19.13(b)(1) apply solely to dose received under the respective licensee’s facility, and not to the total of all dose received over the year at other licensee facilities. We recognize that NRC provided such clarification in the supplementary information accompanying this proposed rule and simply ask that it be confirmed as part of the final rule.
2. We suggest that the second criterion in 10 CFR 19.13(b)(1) of “1 mSv (100 mrem) to any individual organ or tissue” be revised to read “1 mSv (100 mrem) to the lens of the eye or to the skin of the whole body or extremities.” In accordance with Regulatory Guides 8.7 and 8.34, the committed dose equivalent (i.e., dose to an organ) need not be calculated unless the committed effective dose equivalent exceeds 10 mSv (1000 mrem). The proposed reporting criterion could be taken to imply a requirement for making such a calculation and reporting it if the committed dose equivalent were expected to exceed 1 mSv (100 mrem), which is contrary to the regulatory guidance.

### 10 CFR 20.1003 – Definitions

We support the proposed change to this section of the rule and have no specific comments on it. We suggest that NRC pursue changes to NRC Forms 4 and 5 and other related dose reports and provide options in regulatory guidance for reporting effective dose equivalent versus deep dose equivalent for external exposures and for making respective appropriate calculations of the total organ dose equivalent and total effective dose equivalent.

### 10 CFR 20.1201 – Occupational Dose Limits for Adults

We support the proposed change to this section of the rule and have no specific comments.

### 10 CFR 20.1905 – Exemptions to Labeling Requirements

We support the proposed change to this section of the rule and provide the following specific comments to enhance clarity and implementation:

1. We suggest that the exemption be expanded to include containers removed from a posted area so long as the container is under continuous direct or electronic surveillance while in transit between one posted area to another. This is analogous to the provision in 10 CFR 20.1601 (b) for controlling access to high radiation areas.
2. All Part 70 licensees now have this provision in their licenses. However, it is granted by license exemption, a procedure that should be changed by incorporating Part 70 licensees into this exemption in the final rule. The NRC states in the discussion "*that it has determined that the exemption to labeling requirements under 10 CFR 20. 1905 is not appropriate for materials licensees because of the many different types of radioactive material in containers at facilities such as hospitals and universities.*" A Part 70 licensee's variance in radiological hazards is comparable to that of a Part 50 or 52 licensee. Part 50, 52, and 70 production facilities have broadly consistent waste or contaminated material streams within their facilities. We suggest wording for this proposed change as follows:

*“(g) Containers holding licensed material (other than sealed sources that are either specifically or generally licensed) at a facility licensed under Part 50, 52, or 70 of this chapter, that are within an area posted under the requirements in 20.1902, if the containers are:*

*(1) conspicuously marked (such as by providing a system of color coding containers) commensurate with the radiological hazard;*

*(2) accessible only to individuals who have sufficient instructions to minimize radiation exposure while handling or working in the vicinity of the container; and  
(3) subject to plant procedures to ensure they are appropriately labeled, as specified in 20.1904 before being removed from the posted area.”*

10 CFR 20.2104 – Determination of Prior Occupational Dose

We support the proposed change to this section of the rule and have no specific comments.

10 CFR 20.2205 – Reports to Individuals of Exceeding Dose Limits

We support the proposed change to this section of the rule and have no specific comments.

**From:** "ANDERSEN, Ralph" <rla@nei.org>  
**To:** <secy@nrc.gov>  
**Date:** Wed, Dec 20, 2006 11:17 AM  
**Subject:** "Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent, " Proposed Rule (71 Fed. Reg. 55382, dated September 22, 2006)

December 20, 2006

Secretary

U. S. Nuclear Regulatory Commission

Washington, DC 20555-0001

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Specific comments on the proposed changes are enclosed. If you have any questions regarding our comments, please contact me at (202) 739-8111; rla@nei.org.

Sincerely,

Ralph L. Andersen, CHP

Director, Health Physics & LLRW

Nuclear Generation Division

Nuclear Energy Institute

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Enclosure

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**From:** "ANDERSEN, Ralph" <[rla@nei.org](mailto:rla@nei.org)>

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