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CORRESPONDENCE CONTROL TICKET

Date Printed: Sep 22, 2009 07:28

PAPER NUMBER: LTR-09-0464

LOGGING DATE: 09/21/2009

ACTION OFFICE: EDO

To: Miller, FSME

AUTHOR: Bruce Breslow

AFFILIATION: NV

ADDRESSEE: Gregory Jaczko

SUBJECT: Provides Nevada comments on options with respect to the 2007 International Commission On Radiological Protection (ICRP) recommendations

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DEDR
DEDCM
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Franovich

ACTION: Appropriate

DISTRIBUTION: RF, OPA

LETTER DATE: 09/21/2009

ACKNOWLEDGED: No

SPECIAL HANDLING: Immediate public release via SECY/EDO/DPC.

NOTES:

FILE LOCATION: ADAMS

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September 21, 2009

The Honorable Gregory Jaczko
Chairman
US Nuclear Regulatory Commission
Washington DC, 20555

Re: Nevada comments on options with respect to the 2007 ICRP recommendations

Dear Mr. Chairman:

I am responding on behalf of Nevada to NRC's notice of April 13, 2009, asking for comments on options to revise radiation protection regulations and guidance with respect to the 2007 recommendations of the International Commission On Radiological Protection. We would normally send our response to the responsible Staff office listed on your notice. Because of the importance of the issue and because of the Commission's role in framing it, I write directly to you.

The ICRP is of course the preeminent international authority on radiation protection, and it behooves national regulatory organizations with responsibilities for radiation safety to follow ICRP recommendations, including tightening standards, unless there are very good reasons not to do so. It is therefore disappointing that instead of adopting this approach, the NRC, both in the December 18, 2008 Staff paper (SECY-08-0197) and in the Commission's April 2, 2009 Staff Requirements Memorandum, tries to shift the burden of the argument in favor of retaining current standards and away from bringing them in line with the ICRP's recommendations. We do not believe the Commission's response is consistent with its responsibilities for public health and safety.

In the Staff Requirements Memorandum the Commission, which cannot match the expertise of the ICRP, instructs the Staff that the ICRP's recommendations "go beyond what is needed to provide for adequate protection," and that this "point should be emphasized when engaging stakeholders and interested parties. . ." The Commission goes on to say that for the NRC to further impose radiation restrictions would be "an overreaching insertion of regulatory standards into the licensee's management of its

radiation protection program.” Whether the ICRP’s recommendations must be adopted to ensure NRC’s radiation protection regulations are adequately protective, and then imposed without regard for economic costs or industry inconvenience, is the most fundamental issue associated with consideration of the ICRP’s recommendations. We respectfully suggest that the Staff Requirements Memorandum prejudices the resolution of this issue before stakeholders are engaged and should be withdrawn or clarified.

An NRC failure to adopt the ICRP recommendations simply because this would be an “overreaching insertion of regulatory standards into the licensee’s management of its radiation protection program” will also further undermine its own standing. After all, virtually every mandatory NRC regulation is an “overreaching” insertion of NRC’s regulatory judgment into a licensee’s business, and if this were sufficient to avoid imposition of a new requirement the NRC could never impose anything new, and the nuclear regulatory program would be permanently stuck in the past.

I am sure you are aware that there is a widespread public suspicion that the NRC is overly protective of the industry it regulates. Let me give you the latest example that has come to my attention of the kind of NRC statement that has people worried about the NRC’s priorities: The 2009-2010 NRC Information Digest has a brief discussion of radiation doses under the heading “Exposure” that states the National Council on Radiation Protection and Measurements estimates that average US exposure is about 620 millirem per year. The NRC Information Digest goes on to describe this level as one “that has not been shown to cause humans any harm.” For NRC to say nothing more than that such exposure has not been shown to cause humans *any* harm is awfully dismissive of the adverse effects of radiation. Consider that the Environmental Protection Agency estimates (see its web page) that radon exposure alone, which is about 37 percent of the total dose, causes over 20,000 deaths a year.

Now I understand that, strictly speaking, there have not been widely accepted epidemiology studies or experiments at low levels of radiation proving that health effects occur, and the assumed health impacts are based on extrapolations from higher levels. It is also true; however, that these extrapolations are widely accepted as the basis for radiation protection regulatory programs, It is disturbing that NRC accepts them only grudgingly. It is time to change that. Nevada urges the NRC to adopt the ICRP recommendations.

Sincerely,



Bruce H. Breslow
Executive Director
Agency For Nuclear Projects

Mike, Linda

From: Bruce H. Breslow [breslow@nuc.state.nv.us]
Sent: Monday, September 21, 2009 2:30 PM
To: Evans, Glenda
Subject: ICRP Nevada Comments
Attachments: ICRP Recommendations Nevada Comments.pdf

Glenda,

I would appreciate it if you would pass our attached official comments on to Chairman Jaczko.

Sincerely,

Bruce Breslow

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14:28:58 -0400

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X-IronPort-Anti-Spam-Filtered: true

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Sep 2009 11:28:56 -0700

Received: from mx4.STATE.NV.US ([169.254.1.5]) by fe.STATE.NV.US
([10.128.2.115]) with mapi; Mon, 21 Sep 2009 11:28:55 -0700

From: "Bruce H. Breslow" <breslow@nuc.state.nv.us>

To: "glenda.evans@nrc.gov" <glenda.evans@nrc.gov>

Date: Mon, 21 Sep 2009 11:29:37 -0700

Subject: ICRP Nevada Comments

Thread-Topic: ICRP Nevada Comments

Thread-Index: Aco66XnbLfvOSYkpRh+TkhFIDA0iqA==

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