



STATE OF NEW YORK
ENERGY OFFICE

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JAMES L. LAROCCA
COMMISSIONER

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PR-19,20(44FR10388)

May 4, 1979

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555



Attention: Docketing and Service Branch

Dear Sir:

The cognizant New York State radioactive materials control agencies have reviewed the recent NRC proposed amendments to the occupational radiation protection standards (Federal Register, February 20, 1979, Vol. 44, pp. 10388-90). With the exceptions discussed below, New York supports the proposal including specifically the elimination of the 5(N-18) dose averaging formula, and the establishment of a 5 rem annual and 3 rem quarterly dose limit for whole body exposure.

New York recommends that NRC modify the period of application for the annual limits from the proposed "calendar year" to "any four consecutive quarters". Such a change would eliminate the possibility of a 6 rem semi-annual period and a 10 rem annual period, which would be permissible under the "calendar year" format (i.e. last quarter or two of one year and first quarter to two of the next). It would also remove from licensees the possible temptation to allow a radiation worker to exceed the dose limit in the final quarter of a calendar year with the knowledge that the worker could continue radiation work in the following quarter, the first quarter of a new calendar year. The "calendar year" format could also give the impression of a double standard when a radiation worker who receives the annual limit in the first two calendar quarters is prohibited from further radiation work that calendar year, while another worker who receives an identical dose in the final two calendar quarters is permitted to continue radiation work without interruption.

Currently, New York State's applicable regulations, Industrial Code Rule No. 38, Part 16 of the New York State Sanitary Code, and Article 175 of the New York City Health Code, all express the annual limit in terms of

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"any 52 consecutive weeks", which is comparable (albeit not identical) to the recommended modification of "four consecutive quarters".

A preliminary draft version of the proposed amendment, which was provided to the Agreement States in June 1978, included a requirement that licensees who are required to perform personnel monitoring, air sampling or bioassays shall develop, document and implement programs for ensuring that occupational radiation exposures are maintained "as low as reasonably achievable" (ALARA). That requirement was deleted in the proposed amendment formally published in the Federal Register. The New York City Department of Health, one of three New York radioactive materials licensing agencies with responsibility assumed under the NYS/NRC Agreement, has expressed its objection to the deletion of the ALARA requirement. It believes that without the caveat on numerical standards which ALARA provides, the maximum allowable limits may tend to become wholly acceptable. While the other two New York radioactive materials licensing agencies, the New York State Departments of Health and Labor, concur in the New York City endorsement of the ALARA philosophy for radiation protection, they do not share its support for the deleted requirement. They feel that the implementation of the ALARA principle can be and is adequately ensured in the review of an applicant's radiation safety program during the licensing process, and in post-licensing inspection. Further, the State Department of Health foresees difficulty in integrating such a requirement into its program for regulating radiation producing equipment (e.g. x-ray machines, accelerators) which currently consists of a registration rather than licensing process. In that regard, the Health Department feels that the ALARA requirement would mean significant increased workload with questionable commensurate benefit.

New York appreciates the opportunity to comment on the proposed amendment.

Sincerely,



T. K. DeBoer

Director of Nuclear Operations

cc: Dr. Francis J. Bradley
Thomas J. Cashman
Sherwood Davies
Dr. Leonard R. Solon
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