

OH-705-1

J. Bell



Westinghouse
Electric Corporation

Water Reactor
Divisions

Box 355
Pittsburgh Pennsylvania 15230

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PROPOSED RULE PR-19.20 (44FR10388)

(69)

Mr. Samuel J. Chilk
Secretary of the Commission
U. S. Nuclear Regulatory Commission
1717 H Street NW
Washington, DC 20555

Attention: Docketing and Service Branch

Subject: Proposed Amendments to 10CFR19 and 10CFR20

Gentlemen:

This is in response to the Commission's notice in 44 Federal Register 10388 (February 20, 1979) requesting comments on proposed amendments to 10CFR19 and 10CFR20 of the Commission's regulations. The effect of these amendments would be to eliminate the dose averaging formula and the associated exposure history records and impose new annual dose-limiting standards while retaining quarterly standards.

Westinghouse believes that, in matters relating to radiation protection, the guidance and recommendations of such eminent scientific bodies as the International Commission on Radiological Protection (ICRP), the National Council on Radiation Protection (NCRP) and the committee on the Biological Effects of Ionizing Radiation (BEIR) must be relied upon. The Environmental Protection Agency (EPA) has the responsibility for reviewing the recommendations of these scientific bodies and promulgating general guidelines and standards for radiation protection guidelines and standards to be utilized by other agencies of the federal government. In view of the fact that EPA is presently reviewing and updating existing federal radiation protection guidance for occupational radiation exposures, we believe that the proposed amendments to the Commission's regulations are inappropriate at this time.

The EPA has also announced, at the Atomic Industrial Forum Conference on Regulation of Radiation in the Nuclear Industry (April 1979), their intention to convene a public hearing following publication of their proposed new federal guidance on occupational radiation protection standards. Since there is no imminent need to promulgate the proposed amendments we believe that action should be delayed until EPA issues its occupational radiation protection guidance. At that time, the proposed amendment should be considered in concert with any other changes necessary to implement the EPA guidance.



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Westinghouse believes that while it is not appropriate to promulgate changes to the existing NRC occupational radiation protection standards at this time, participation by NRC in the EPA proceedings and preparation for possible future changes is timely. In this regard, Westinghouse offers the following specific comments on the proposed changes to 10CFR20 for the NRC consideration during their preparation:

1. The proposed deletion of the dose averaging formula should be accompanied by the addition of the ICRP recommendation, in its Publication 26, of allowing up to twice the annual limit under special circumstances:

"Situations may occur infrequently during normal operations when it may be necessary to permit a few workers to receive dose equivalents in excess of the recommended limits. In such circumstances external exposures or intakes of radioactive material may be permitted provided the dose-equivalent commitment does not exceed twice the relevant annual limit in any single event, and, in a lifetime, five times this limit."

Guidance should be included for the determination by the licensee of those situations which constitute special circumstances. This guidance might include:

- a. Demonstration that exceeding the individual exposure limit is the lowest practicable level of total man-rem exposure for the particular operation(s) under consideration,
 - b. The risk of potential health effects to the affected worker(s) is understood by the worker(s) and
 - c. The workers voluntarily accept the risk.
2. The wording change to the "undesignated center heading proceeding 20.101 through 20.108" is not "intended to imply that doses above the standard are unsafe and that doses below the standard are safe." Instead, the standards are "for regulating the affected industry." Therefore, we recommend that the wording be changed to "Regulatory Standards Applicable to Doses, Levels and Concentrations", thus removing implication that the change is being made for radiation protection purposes. We believe that this wording more clearly reflects the intent and philosophy of these sections of the regulations.

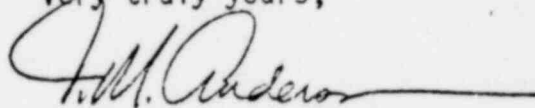
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3. We support the inclusion of exposure limits for a calendar quarter at the 3 rem per quarter value only on the grounds that the lack of such a numerical limit in the regulations could result in future misinterpretation of the intent of the regulations and the imposition of stricter quarterly limits. Allowing workers to receive up to 3 rem per calendar quarter provides operational flexibility which usually results in lower total man-rem exposures. In these circumstances, lower limits would not be in harmony with the "as low as is reasonably achievable" (ALARA) concepts. We also believe that the exception noted in Comment 1 is applicable to the quarterly limit as well as the annual limit.
4. We support the intent and specific wording regarding personnel monitoring, definitions and the limits for minors.

In summary, we believe that the recommendations by such scientific bodies as ICRP, NCRP and BEIR should be reflected in the Commission's review of its regulations and standards. That guidance should reflect the intent of such recommendations including any exceptions. Further, we believe that any changes to the NRC regulations concerning occupational radiation protection are inappropriate at this time in light of the forthcoming overall occupational radiation protection standards being considered by the EPA. The proposed changes should be held in abeyance until the EPA guidance is issued, at which time this proposed change should be considered together with any other changes which may be appropriate.

We thank you for the opportunity to provide comments on the proposed changes to the regulation. We would be happy to discuss our comments further with you should you so desire.

Very truly yours,



T. M. Anderson, Manager
Nuclear Safety Department

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