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# Natural Resources Defense Council, Inc.

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January 11, 1980

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DOCKET NUMBER

PETITION RULE FRM-20-6(40 FR 50327)

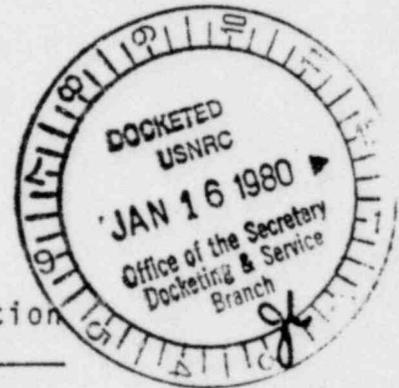
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RE: Upcoming Briefing On Occupational Radiation Exposure Standards

Dear Commissioners:

This coming Tuesday, January 15, 1980, at its own request, the Commission will receive a Staff briefing on the status of the Commission's program to reevaluate occupational radiation exposure standards. More than four years ago, the Natural Resources Defense Council ("NRDC") petitioned the Nuclear Regulatory Commission for a downward revision of the radiation protection standards for control of occupational exposure. 40 Fed. Reg. 30329 (October 29, 1975). The petition and an accompanying report by knowledgeable scientists presented data indicating that the standards currently in force, and set decades ago, are not safe. Over

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two years ago, NRDC supplemented the petition with additional data and requested a hearing. (Letter from Anthony Z. Roisman to Joseph Hendrie, dated November 4, 1977). Two weeks later, Commission's counsel responded with the following note:

Because of the technical nature of the materials in this supplement, the Commission has referred them to the Regulatory Staff for analysis. However, in response to your request for prompt action and mindful of the length of time that this petition has been pending, the Commission has directed the staff to expedite its consideration of the supplement and to provide it with a recommendation in the near future. The Commission will consider your request for a public hearing and other procedures as soon as practicable following receipt of the staff recommendation. (emphasis added)

(Letter from James L. Kelley to Anthony Z. Roisman, dated November 18, 1977). That was over two years ago, and Commission has not yet held hearings or taken any action on NRDC's petition.

For over a year, the Commission and the Environmental Protection Agency have discussed holding "joint" public hearings on occupational exposure standards. The NRC has apparently exercised little control over the hearing procedures and the agenda. As matters stand, the issues raised in the NRDC petition have been joined with a number of related issues that are secondary in nature. Not only is there the danger that the more significant issues raised by NRDC will be submerged in a voluminous and unorganized record, but in addition, it appears that the hearing procedures adopted by EPA will not provide for prehearing

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document discovery and adequate witness questioning by the parties. NRDC has made clear our belief that these are the minimum procedures necessary to assure development of an adequate record.<sup>1/</sup>

NRDC is somewhat heartened to note that the Commission has requested a status report on this matter. We request that we be allocated five minutes during the meeting scheduled for January 15th, to present our view on this matter. Given the shortness of time for response, please notify Dr. Arthur Tamplin (202-223-8210) by telephone whether this request is granted.

Very truly yours,

*David S. Fleischaker*

David S. Fleischaker, Esq.  
COUNSEL TO NATURAL RESOURCES  
DEFENSE COUNCIL

DSF:sb  
Enclosure

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<sup>1/</sup> See, Letter from David S. Fleischaker to Luis F. Garcia, dated November 6, 1979, attached.

DAVID S. FLEISCHAKER

ATTORNEY AT LAW

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SUITE 709

November 6, 1979

Mr. Luis F. Garcia  
Criteria and Standards  
Division (ANR-460)  
Office of Radiation Programs  
U.S. Environmental Protection  
Agency  
Washington, D.C. 20460

Dear Mr. Garcia:

The purpose of this letter is to comment on the Environmental Protection Agency's ("EPA") Federal Register notice relative to future public hearings on occupational exposure standards for radiation. 44 Fed. Reg. 53785 (September 17, 1979).

More than four years ago the Natural Resources Defense Council ("NRDC") petitioned EPA and the Nuclear Regulatory Commission for a downward revision of the occupational exposure standards. The Notice states that issues raised in those petitions are to be addressed in the forthcoming hearing. However, many of the issues noticed for hearing - while related to those raised in the NRDC petition - are of a secondary or bookkeeping nature. (See specifically, p. 53785, Column 2, Nos. 3 (except for H), 4, and 5; Column 3, Nos. 1 and 2). We request that the hearings be structured so that the principal issues raised in the NRDC petition are segregated from these minor issues. This is to assure that the important issues are not submerged in a voluminous and unorganized record.

The Notice does not discuss the type of hearing that is contemplated. We believe that on issues as important as these, with potentially wide impact on the health and safety of the public, it is incumbent upon the agency to assure the

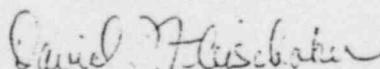
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fullest possible exploration of the issues. The best mechanism for airing these controversies and making a record for decision is a public hearing where the clash of opposing viewpoints can be assured or assumptions and factual assertions can be tested by probing questions. Hearing procedures should provide for pre-hearing document discovery and some form of witness questioning by the parties. The Staff and other participants should be required to disclose underlying reports, analyses, etc. upon which they rely, and of course, the EPA staff should fully present any dissenting views.

This matter has been pending before EPA for over four years now. The problem of occupational exposure to radiation remains one of the serious unresolved problems of the nuclear industry. Standards set decades ago are no longer meaningful and continue to be used as "safe" maximums. Data from several sources indicate that these limits are not safe, either for the workers or their children and that under existing standards work in the nuclear industry can be and is for some, ultra hazardous.

It is time to address the issues raised in the NRDC petition.

Very truly yours,



David S. Fleischaker, Esq.  
COUNSEL TO NATURAL RESOURCES  
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DSF:sb