



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JUL 7 1980

Leonard Solon, Ph.D., Director
Bureau for Radiation Control
New York City Department of Health
377 Broadway
New York, New York 10013

Dear *Len* Dr. Solon:

During the recent review meeting, Mr. Lubenau stated the need to adopt revisions to the New York City radiation protection regulations to conform them to recent changes in 10 CFR 71 (Packaging ... and Transportation of Radioactive Materials ...) to maintain compatibility. You indicated that New York City's process for adopting revisions is complex and time-consuming and noted that major revisions to NRC's Part 20 may be forthcoming as a result of possible recommendations for revisions to maximum permissible dose limits. You asked if New York might, in view of these circumstances, be better advised to defer work on revising the regulations regarding 10 CFR 71 until NRC revises its Part 20 and then enact revisions to the City's regulations in a single action.

We believe the better course of action is to move now to enact revisions to conform your regulations to 10 CFR 71. We believe that major revisions to Part 20, as a result of possible changes to Maximum Permissible Dose Limits, are not likely to become effective in the near future. If such changes do occur, the current Guideline for Acceptable Practice for Updating Regulations provides for up to 3 years after NRC enacts its revisions for Agreement programs to enact theirs. That same guideline would then require Agreement programs, including New York City's, to enact 10 CFR 71 revisions no later than December 12, 1982. In view of the high degree of public attention directed at the need for assuring that radioactive materials in transport are subject to and in compliance with regulatory requirements, we believe actions to adopt 10 CFR 71 revision should be initiated as soon as possible. I would appreciate hearing of the City's plans on this.

Sincerely,

G. Wayne Kerr, Assistant Director
for State Agreements Program
Office of State Programs

cc: J. Spath *
T. Elsasser
NRC Public Document Room
New York City Public Document
Room

8007210068