



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 8, 1999

Mr. Lester A. Slaback, Jr.
Supervisory Health Physicist
National Institute of Standards
and Technology
100 Bureau Dr. Stop 3543
Gaithersburg, MD 20899

Dear Mr. Slaback:

I am responding to your letter to the Office of the Secretary of the Commission dated November 9, 1999, regarding the NRC's recently published final rule and regulatory guidance on respiratory protection. I hope that I can resolve your concerns as to whether NRC respiratory protection regulations or Occupational Safety and Health Administration (OSHA) regulations are applicable at NRC licensed facilities.

The intent of both agencies is to insure that any person using a respirator is adequately protected from injury by implementation of either program. If the primary hazard is NRC-licensed airborne radioactive material, then clearly an NRC Part 20 program is required. If the airborne hazard is primarily industrial contaminants other than radioactive material, then OSHA regulations would be applicable.

The NRC made every effort to make the Subpart H program compatible with the OSHA program. Complying with OSHA program requirements will result in satisfying most of the NRC requirements, with the exception of those few differences specifically identified in the Federal Register notice for the NRC final rule.

We agree with your position that many of our nuclear materials and non-power reactor licensees have very low levels of airborne radioactive material during normal operations, and that any need for a respiratory protection program would be dictated by the presence of airborne industrial contaminants. In this case, an OSHA program would be needed rather than an NRC program. The statement of considerations for the rule made this clear. If an ALARA analysis results in a licensee decision that respirators would not be needed to limit the intake of airborne radioactive material, but respirators are assigned to protect against other industrial contaminants, then the presence of low levels of radioactive material could be considered incidental, and an OSHA program would be adequate to protect workers. It is important to note that even if a respiratory protection program is not required by NRC, a licensee must still monitor for intake of radioactive material in accordance with 10 CFR 20.1502(b). Also, if a licensee is "taking credit" for the protection against airborne radioactively material even if the respirators are worn for industrial protection, then the licensee must also comply with the applicable Subpart H rules.

You asked specifically whether a licensee having an area with airborne levels less than one derived air concentration (DAC) is in compliance if the licensee has implemented an OSHA respiratory protection program. NRC regulations require that licensees use procedures and controls to achieve occupational doses that are ALARA. It would be a licensee decision, based

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on an ALARA analysis, whether or not to implement an NRC Subpart H program to reduce exposure even further. The NRC has not established numerical guidelines as to what constitutes ALARA, and an airborne level of 1 DAC, or a potential exposure of more than 12 DAC-hours in a week, are not intended to be thresholds for implementing a respiratory protection program. Other controls such as limiting duration of exposure are permitted.

Equally relevant is the position taken in the Federal Register notice that licensees should determine whether or not an emergency situation could reasonably be expected to arise that would require the establishment of an NRC required respiratory protection program, and how extensive that program would need to be. The NRC staff believes that any respiratory protection program that meets Part 20 requirements should provide a good basis for respiratory use in emergency situations.

There are no NRC plans for issuing further guidance on the questions you raised. A revision to NUREG-0041, "Respiratory Protection Programs At Nuclear Facilities," is in progress that will provide a comprehensive technical base for implementing a respiratory protection program.

Thank you very much for your comments.

Sincerely,

"Original Signed By"

David B. Matthews, Director
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

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Samuel J. Collins, Director
Office of Nuclear Reactor Regulation

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