

December 23, 1998

COMMISSION VOTING RECORD

DECISION ITEM: SECY-98-245

TITLE: RULEMAKING PLAN - PROTECTION AGAINST DISCRETE RADIOACTIVE PARTICLE (DRP)
EXPOSURES (10 CFR PART 20)

The Commission approved in part and disapproved in part the subject paper as recorded in the Staff Requirements Memorandum (SRM) of December 23, 1998. Chairman Jackson and Commissioner Merrifield approved the paper while Commissioners Dicus, Diaz, and McGaffigan approved in part and disapproved in part.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commissioners, and the SRM of December 23, 1998.

John C. Hoyle
Secretary of the Commission

Attachments: 1. Voting Summary
2. Commissioner Vote Sheets
3. Final SRM

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR
DCS

VOTING SUMMARY - SECY-98-245

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACKSON	X				X	11/18/98
COMR. DICUS	X	X			X	11/20/98
COMR. DIAZ	X	X			X	12/2/98
COMR. McGAFFIGAN	X	X			X	11/24/98
COMR. MERRIFIELD	X					11/16/98

COMMENT RESOLUTION

In their vote sheets, Chairman Jackson and Commissioner Merrifield approved and Commissioners Dicus, Diaz, and McGaffigan approved in part and disapproved in part. The disapproval centered on the staff's proposed dose limit of 1000 rads to the skin which the Commission revised to 500 rads to be more consistent with the draft National Council on Radiation Protection and measurements recommendations. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on December 23, 1998.

Commissioner Comments on SECY-98-245

Chairman Jackson's Comments on SECY-98-245

I do not object to the staff providing the rulemaking plan to the Agreement States for comment and subsequently implementing the plan. Although the paper does mention that this rulemaking is a policy issue and therefore should be issued by the Commission, the schedule provided in the rulemaking plan does not explicitly state that the Commission will be provided the proposed rule and final rule for review and approval. Therefore, to provide clarity and avoid confusion as to the expectations of the Commission, I explicitly recommend that the staff provide the proposed and final rule to the Commission for review and approval.

Commissioner Dicus' Comments on SECY-98-245

I approve staff's request to develop rulemaking to amend Part 20 to address DRPs. I agree that the rulemaking should include a constraint value of 300 rads and I support the staff's rationale for doing this. It addresses industry's concerns over unnecessary radiation exposures and costs resulting from contamination surveys that are now being made to meet the objectives of the present enforcement discretion policy. I do not support the staff's recommendation to propose a limit of 1,000 rads for a DRP dose to the skin. While there may be scientific support for proposing this value, it is twice that recommended in the draft NCRP report. The NRC has frequently and forcefully made the point that National radiation protection standards should be consistent with the recommendations of the ICRP and NCRP. We should not do anything that erodes that position. Incorporating the draft report's recommendations of 500 rads will maintain this position. It will be consistent with the proposed constraint value. Since the NCRP report is in draft, staff should continue to monitor its development and, if the final recommendations depart significantly from the present draft, the staff should inform the Commission.

Commissioner McGaffigan's Comments on SECY-98-245:

I approve the staff's request to proceed with rulemaking to modify Part 20 to address "Discrete Radioactive Particles"; however, I disapprove the staff's preferred approach (Alternative 3). I agree with the comments of Commissioner Dicus on the proposed 300 rad constraint value and the need to reduce the proposed dose limit from 1000 rad to 500 rad based on draft recommendations by the National Council on Radiation Protection and Measurements.

Also, proposed section 20.1201, "Occupational Dose Limits" does not appear to have a compatibility category assigned to it.