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Sent: Monday, November 05, 2001 7:13 PM
To: NIOCINDOCKET@CDC.GOV
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Subject: Comments on 42CFR82.doc
Importance: High

Comments on 42CFR82:

While 42CFR82 refers to ICRP 60 (42CFR82.10) and the table in that part provides radiation weighting factors from ICRP 60, the actual calculation to determine whether a person gets paid is not based on ICRP or NCRP reports but on a paper prepared by a private contractor for NIOSH. This paper uses different, much higher weighting factors. The paper also prescribes different distribution functions (lognormal, triangular, discrete) for different radiation types and energies. The paper and the computer program that uses the information developed in the paper have not been peer reviewed, nor approved by a scientific consensus body. The existing radiation protection regulations 10CFR835 and 10CFR20 are based on reports by scientific consensus bodies. Since the NIOSH paper and computer program undercut the radiation protection regulations 10CFR835 and 10CFR20 by establishing new, sub-rosa radiation protection standards in direct conflict with these other rules, a thorough peer review and formal approval by a consensus scientific body such as the NCRP is mandatory before 42CFR82 or 42CFR81 are finalized. The comment period must be extended to a reasonable period after this high level scientific consensus and approval has occurred.

Reconstructing doses with new factors and methods not in use at the time that the dose was received is counterproductive in that the new numbers will be different and most certainly higher due to the choice of a 99% confidence interval, higher weighting factors, and different distribution functions. These differences will cast doubt on the adequacy of the existing radiation protection regulations and will directly contradict the existing legal record of personnel dosimetry.

The numerous other assumptions to be used in the process of reconstructing doses are not available for review since the dose reconstruction manual is not available. Since these assumptions are crucial for use of the regulation, they must be available in order to provide substantive comments on the rule. The comment period must be extended to a reasonable period after the dose reconstruction manual is available for review.

In summary, a thorough scientific review and approval by a consensus scientific body is absolutely necessary before 42CFR82 and 81 can be finalized. To permit payout without this high level of scientific approval would set an unacceptable precedent contradicting existing regulations and legal dose records of personnel.