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The Honorable Dixy Lee Ray
Chairman, Atomic Energy Commission 743

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Dear Dr. Ray:

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1 During a survey of certain aspects of the Atomic Energy Commission's (AEC's) radiation standards, we learned of an issue which we believe warrants your attention.

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2 In a January 1971 report, the National Council on Radiation Protection and Measurements (NCRP)¹ recommended that "the maximum permissible dose equivalent to the fetus from occupational exposure of the expectant mother should not exceed 0.5 rem." AEC's exposure standard in effect before the NCRP report and in effect today sets a maximum exposure of 5 rems a year for all employees of both AEC contractors and licensees. According to AEC officials and documents, AEC's established policy is to adopt NCRP recommendations for application to both AEC contractor and licensee operations. However, in this instance, well over 3 years have elapsed since NCRP made its recommendation and AEC still has not adopted it.

Our discussions with AEC officials and a few contractors and licensees indicate that, during this period, female workers in AEC contractor and licensee operations may have been receiving radiation doses which, if they were pregnant, might have exposed fetuses to more than the recommended maximum dose.

On October 10, 1972, the Directorate of Regulatory Standards proposed five alternative courses of action available to AEC on the NCRP recommendation. These were:

1. Take no action
2. Publish a notice of proposed rulemaking adopting the NCRP recommendation.

¹A nonprofit corporation chartered by the Congress in 1964 to, among other things, collect, analyze, develop, and disseminate, in the public interest, information and recommendations about (1) protection against radiation and (2) radiation measurements, quantities, and units, particularly those concerned with radiation protection.

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3. Reduce permissible dose limits for all workers.
4. Issue a guide leaving implementation of the recommendation to employers and to the female employees.
5. Publish a notice of consideration inviting public comment on an approach to be taken.

Members of AEC's Regulatory staff favored adopting the last alternative.

AEC's Divisions of Naval Reactors, Operational Safety, and Biomedical and Environmental Research, however, favored publishing a notice of proposed rulemaking adopting the NCRP recommendation. According to AEC correspondence, these divisions selected this alternative because:

"Unless the AEC intends to depart from previous policy or disregard the guidance of the * * * [NCRP] it seems inappropriate to solicit comments and suggestions on whether or not AEC should * * * [adopt the recommendation]."

AEC's Division of Labor Relations disagreed with the other AEC divisions and pointed out that establishing "more restrictive exposure limits for fertile or pregnant women may well be seen by women's groups as an attempt to establish a discriminatory occupational qualification based on sex, particularly since the lower limit may be applied by contractors or licensees to all women in order to avoid the delicate problem of ascertaining which women are fertile and which are not." However, AEC correspondence indicates that the three divisions favoring adoption of the NCRP recommendation were of the view that:

"* * * the involuntary aspect of the exposure and the radio-sensitivity of the human system during the development in utero took precedence as a consideration over other factors such as those pertaining to female employment."

In September 1973, the directors of several AEC divisions met with the Chairman of NCRP to discuss the question of discrimination and to request that NCRP reexamine its recommendation in light of this question. NCRP is now reexamining the recommendation.

AEC officials told us they expect that NCRP will reaffirm its recommendation within several months and that AEC would then decide whether to adopt it. AEC officials also told us that, if AEC decides to adopt the NCRP recommendation, it could take up to 12 months to implement it.

Information developed by AEC in 1970 showed that, at contractor facilities alone, several hundred female workers would be affected by adoption of the NCRP recommendation. Also, AEC is attempting to develop statistics and projections to define the actual risk in terms of the cancers and leukemias that could result if NCRP's recommendation is not adopted.

RECOMMENDATIONS TO THE CHAIRMAN, AEC

Because a radiation dose exceeding the maximum dose recommended by NCRP may possibly adversely affect the fetus of an exposed pregnant employee, we recommend that, when NCRP finishes reexamining its previous recommendation, AEC expedite its decision on the acceptability of any such recommendation and its implementation.

We also recommend that, as an interim measure, AEC inform all female employees who may be exposed to radiation in contractor and licensee facilities of NCRP's recommendation and of the possible adverse effects on offspring from the higher radiation doses. We believe that providing such information would be consistent with AEC's responsibility to protect the public from radiation-induced health and safety hazards. Informing female employees would permit them to exercise their own judgment on this issue while AEC is deciding whether to formally adopt NCRP's recommendation.

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We appreciate the courtesy and cooperation extended to our representatives during the survey. Because of our continuing interest in the area of radiation exposure standards, we would appreciate being informed of the action you take on our recommendations.

We are sending copies of this report to the Director, Office of Management and Budget; the Chairman, Joint Committee on Atomic Energy; the Chairmen of the House and Senate Appropriations and Government Operations Committees; and the Chairman of the Health Subcommittee of the Senate Committee on Labor and Public Welfare.

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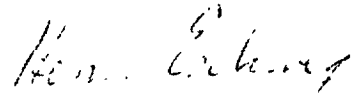
As you know, section 236 of the Legislative Reorganization Act of 1970 requires the head of a Federal agency to submit a written statement on actions taken on our recommendations to the House and Senate Committees on Government Operations not later than 60 days after the date of the report, and to the House and Senate Committees on Appropriations with the

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agency's first request for appropriations made more than 60 days after the date of the report.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Henry Eschwege".

Henry Eschwege
Director

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