

February 11, 2004

MEMORANDUM TO: Michael T. Lesar, Chief  
Rules and Directives Branch  
Division of Freedom of Information  
and Publications Services  
Office of Administration

FROM: William H. Ruland, Director **/RA/**  
Project Directorate III  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

SUBJECT: SOLICITATION OF PUBLIC COMMENT ON DRAFT RULE  
WORDING: REVISION OF 10 CFR 19.13, "NOTIFICATIONS  
AND REPORTS TO INDIVIDUALS," VARIOUS REPORTING  
AND LABELING REQUIREMENTS IN 10 CFR PART 20,  
"STANDARDS FOR PROTECTION AGAINST RADIATION," AND  
RELATED CHANGES IN 10 CFR PART 50, "DOMESTIC  
LICENSING OF PRODUCTION AND UTILIZATION FACILITIES."

By memorandum dated August 2, 2001, the Commission directed the staff to engage stakeholders early in the process of developing possible changes in our regulations. The Commission also stated that the staff may share draft rule language under consideration with all stakeholders in advance of a proposed rule. This draft language was shared with the States via Agreement States Letter STP-02-004 and postings on the NRC Technical Conference Forum.

Please implement the Commission's direction by arranging for publication of the attached *Federal Register* notice announcing the availability of draft rule language and posting the draft rule language provided in Attachment 2 on the NRC Web site at <http://ruleforum.llnl.gov/>.

Attachments: 1. *Federal Register* Notice  
2. Draft rule language

Contact:  
William D. Reckley  
301-415-1323

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DATE	11/4/03	11/4/03	10/29/03	12/9/03	2/11/04	12/3/03	2/9/04 signed FRN on2/18/04

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**Attachment 1**

**Federal Register Notice**

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 19, 20, and 50

Collection, Reporting, or Posting of Information;  
Availability of Draft Rule Language

AGENCY: Nuclear Regulatory Commission.

ACTION: Availability of draft rule language.

SUMMARY: The Nuclear Regulatory Commission (NRC) is making available the draft wording of possible changes to its regulations. The changes under consideration would clarify or revise the regulations to reduce unnecessary regulatory burden associated with the collecting, reporting, and posting of information. The NRC staff is making the draft rule language available to inform stakeholders of the NRC staff's consideration of possible changes to its regulations, and to solicit comments on the staff's direction and draft language. The draft wording and several specific requests for feedback are available on the NRC's public web site at <http://ruleforum.llnl.gov>.

DATES: Submit comments by [Insert date 45 days after publication in the *Federal Register*]. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods. Personal information will not be removed from your comments:

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff.

E-mail comments to: [SECY@nrc.gov](mailto:SECY@nrc.gov). If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415-1966. You may also submit comments via the NRC's rulemaking web site at <http://ruleforum.llnl.gov>. Address questions about our rulemaking website to Carol Gallagher at (301) 415-5905; e-mail: [cag@nrc.gov](mailto:cag@nrc.gov). Comments can also be submitted via the Federal eRulemaking Portal <http://www.regulations.gov>.

Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 am and 4:15 pm on Federal workdays (Telephone: (301) 415-1966).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission (301) 415-1101.

Publicly available documents related to this rulemaking may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including comments, may be viewed and downloaded electronically via the NRC rulemaking web site at <http://ruleforum.llnl.gov>.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, the public can gain entry into the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at (800) 397-4209, (301) 415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

FOR FURTHER INFORMATION CONTACT: William D. Reckley, Division of Licensing Project Management, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: (301) 415-1323; e-mail: wdr@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

In SECY-02-0081, "Staff Activities Related to the NRC Goal of Reducing Unnecessary Regulatory Burden on Power Reactor Licensees," dated May 13, 2002 (ADAMS Accession No. ML020420137), the NRC staff described various interactions with stakeholders regarding ways to reduce unnecessary regulatory burden. By memorandum dated June 25, 2002 (ADAMS Accession No. ML021760768), the Commission directed the staff to proceed with its evaluation of possible rule changes. In developing the initiative described in SECY-02-0081, the NRC staff solicited observations and suggestions by placing a notice in the *Federal Register* (66 FR 22134; May 3, 2001) and sponsoring a workshop on May 31, 2001. In a letter dated July 2, 2001 (ADAMS Accession No. ML011870432), the Nuclear Energy Institute provided a list of suggestions from its members for possible changes to several regulations that could reduce unnecessary regulatory burden, including certain reporting and labeling requirements in 10 CFR Parts 19 and 20. The NRC staff has evaluated the suggestions from industry and other stakeholders and selected 10 CFR 19.13, "Notifications and reports to individuals," 10 CFR 20.2104, "Determination of prior occupational dose," and container labeling requirements as being candidates for further consideration. The NRC staff is also considering changes to 10 CFR 20.1003 to clarify the use of the effective dose equivalent in place of the deep dose equivalent in dose assessments (see Regulatory Issue Summary 2003-04, "Use of the Effective Dose Equivalent in Place of the Deep Dose Equivalent in Dose Assessments," dated February 13, 2003; ADAMS Accession No. ML030370122). The NRC staff's preliminary assessment is

that these regulations result in regulatory burdens on licensees beyond what is needed to protect workers and the public against radiation.

#### Discussion

The rulemaking under consideration would revise several administrative requirements associated with the collection, reporting, and posting of information. The draft wording for the changes being considered by the NRC staff may be viewed on the NRC's public web site at <http://ruleforum.llnl.gov>.

The first change being considered would affect 10 CFR 19.13 and related regulations in 10 CFR Part 20. Prior to 1992, 10 CFR 19.13(b) required licensees to provide each worker annually the worker's occupational dose "[a]t the request of any worker." Thereafter, the Commission amended its regulations (58 FR 23360; May 21, 1991) to conform to 1987 Presidential guidance for Federal agencies on occupational radiation protection (52 FR 2822; January 27, 1987). NRC licensees are currently required to advise each worker annually of the worker's received dose as shown in records maintained by the licensee pursuant to 10 CFR 20.2106, "Records of individual monitoring results." Licensees are required by 10 CFR 20.2106 to maintain records of doses received by all individuals for whom monitoring was required pursuant to 10 CFR 20.1502, "Conditions requiring individual monitoring of external and internal occupational dose." Under 10 CFR 20.1502, licensees are required to monitor occupational radiation exposure for workers likely to receive a dose in excess of 10 percent of the limits specified in 10 CFR 20.1201, "Occupational dose limits for adults," or for workers who enter a high or very high radiation area. Licensees make this determination prospectively with a measure of conservatism, so that many of the workers monitored by licensees actually receive no measurable exposure or only a small fraction of the doses specified in 10 CFR 20.1502. As a result, the recordkeeping and reporting requirements have applied to a large number of workers, thereby increasing administrative costs to licensees. The NRC staff is considering a

change to the reporting requirement so that licensees would continue the current reporting for workers who receive more than 2 percent of the limits specified in 10 CFR 20.1201 (this would generally translate to exceeding a total effective dose equivalent (TEDE) of 100 millirem in one year), but would not be required to provide annual dose reports to workers who receive less than 2 percent of those limits. Licensees would continue to provide all workers access to information from their dose records and would provide any worker with a copy of their annual dose report upon request. The staff's initial criteria of 100 millirem was selected because it corresponds to the annual dose limit in 10 CFR 20.1301, "Dose limits for individual members of the public," and is also the threshold for requiring employee training pursuant to 10 CFR 19.12, "Instruction to workers."

In addition to other comments or suggestions regarding this possible change to NRC regulations, the NRC staff requests that stakeholders responding to this solicitation address the following questions:

- (1) Does the language being considered appropriately balance the intent of the Federal government's guidance and regulations related to occupational exposure in terms of avoiding burdensome requirements for doses that are insignificant while adequately providing individuals with information about their occupational exposures?
- (2) Has the staff suggested appropriate criteria for when licensees are required to provide a report to workers (i.e., is "exceeds 2 percent of the dose limits in 10 CFR 20.1201(a) or the worker makes a request for a report of their dose" a reasonable threshold)?
- (3) Would the change, if made based on the language being considered, result in cost savings to licensees? If so, please provide an estimate of the savings.

- (4) Should licensees be required to notify workers periodically of their right to request their dose report (e.g., when the worker is issued a personal dosimeter or annually)?
- (5) Does the possible consolidation of required reports to individuals into 10 CFR 20.2205 and the deletion of 10 CFR 19.13(d) clarify the regulations and would there be a significant cost associated with implementing this possible change?

The second change under consideration would revise 10 CFR 20.1905, "Exemptions to labeling requirements," or alternatively add a new regulation to 10 CFR Part 50 which would define an exemption from 10 CFR 20.1904 for certain containers within facilities with licenses issued under Parts 50 or 52. The exempted containers would need to satisfy conditions such as being located within an area posted in accordance with 10 CFR 20.1902, being conspicuously marked, and being accessible only to trained individuals.

In addition to other comments or suggestions regarding this possible change to NRC regulations, the NRC staff requests that stakeholders responding to this solicitation address the following questions:

- (1) Does the language being considered provide adequate controls for radioactive materials stored within facilities licensed under 10 CFR Part 50?
- (2) Would the change, if made based on the language being considered, result in cost savings to Part 50 licensees? If so, please provide an estimate of the savings.
- (3) Are there categories of materials licensees to which this exemption might be applied, where adequate controls for radioactive materials stored within these facilities could be provided by the conditions being considered for the exemption? If so, what would be the cost savings to these licensees?

The third change under consideration involves 10 CFR 20.2104. This possible change would revise the requirement in 10 CFR 20.2104(a)(2) for licensees to attempt to obtain the records of cumulative occupational radiation dose for each worker requiring monitoring pursuant to 10 CFR 20.1502. The information on occupational doses in years other than the current year is not used except in performing evaluations required by 10 CFR 20.1206, "Planned special exposures." Requirements related to obtaining information, performing evaluations, maintaining records, and making reports to individuals and the NRC about planned special exposures are codified in 10 CFR 20.1206 and 20.2104(b). The NRC staff is considering changing 10 CFR 20.2104 to require that licensees obtain the records of cumulative occupational radiation dose only for those individuals being authorized to receive a planned special exposure.

In addition to other comments or suggestions regarding this possible change to NRC regulations, the NRC staff requests that stakeholders responding to this solicitation address the following questions:

- (1) Would the change, if made based on the language being considered, ensure adequate protection of radiation workers?
- (2) Would the change, if made based on the language being considered, result in cost savings to licensees? If so, please provide an estimate of the savings.

The fourth change under consideration by the NRC staff is to revise the definition of TEDE in 10 CFR 20.1003 to be more consistent with the technical basis for the requirements in Part 20 (e.g., the recommendations of the International Commission on Radiological Protection in its Publication 30, a copy of which may be purchased through Elsevier at <http://www.elsevier.nl/locate/series/icrp>). The change under consideration resolves a source of possible confusion in the current regulation by clarifying that the TEDE is the sum of the effective dose equivalent (for external exposures) and the committed effective dose equivalent

(for internal exposures). If a licensee is not using a method approved by the NRC for determining effective dose equivalent with radiation measuring devices, the deep dose equivalent, determined for the highest exposed part of the whole body, will be substituted for the effective dose equivalent (for external exposures). Regulatory Issue Summary 2003-04 provides the regulatory basis, and approved methods, for using the effective dose equivalent from external exposures in complying with the regulatory requirements, and limits, on TEDE.

In addition to other comments or suggestions regarding this possible change to NRC regulations, the NRC staff requests that stakeholders responding to this solicitation address the following questions:

- (1) Is the proposed definition of TEDE consistent with the technical basis of the current regulations in 10 CFR Part 20 (e.g., recommendations of the International Commission on Radiological Protections in its Publications 26 and 30)?
- (2) Does the language clarify the existing requirements as explained in Regulatory Issue Summary 2003-04?
- (3) Should the rule address approvals by Agreement States of dosimetry methods for using effective dose equivalent when external exposure is determined by measurement? If so, how should approval by one jurisdiction be considered by other jurisdictions to ensure consistent results and to minimize state-by-state variations in approach for licensees operating in multiple jurisdictions?

The draft rule language is preliminary and may be incomplete in one or more respects. The NRC staff is releasing the draft rule language to inform stakeholders of the NRC staff's consideration of possible changes to 10 CFR Parts 19, 20, and 50, and to invite stakeholders to comment on the draft revisions. As appropriate, the Statements of Consideration for the proposed rule will briefly discuss substantive changes made to the rule language as a result of

comments received. Comments may be provided as indicated under the ADDRESSES heading. The NRC may post updates periodically on the rulemaking web site that may be of interest to stakeholders.

Dated at Rockville, Maryland, this 18th day of February 2004.

FOR THE NUCLEAR REGULATORY COMMISSION.

***/RA/***

William H. Ruland, Director,  
Project Directorate IV,  
Division of Licensing Project Management,  
Office of Nuclear Reactor Regulation.

**Attachment 2**

**Draft Rule Language  
(NRC Web site Posting)**

**Possible Changes to  
10 CFR 19.13, "Notifications and Reports to Individuals,"  
Definition of Total Effective Dose Equivalent,  
Various Reporting and Labeling Requirements in  
10 CFR Part 20, "Standards for Protection Against Radiation,"  
and Related Changes in  
10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities.**

The Nuclear Regulatory Commission (NRC) staff has released the following draft rule language in response to guidance from the Commission dated August 2, 2001, that directed the staff to interact with the public early in the rulemaking process. The change under consideration would clarify or revise the regulations such that (1) licensees would not be required, unless a specific request was made by a worker, to provide an annual report to a worker of their radiation dose if a worker received less than 2 percent of the limits defined in Part 20 of Title 10 of the Code of Federal Regulations (10 CFR Part 20); (2) licensees for production and utilization facilities governed by 10 CFR Part 50 would not need to label containers in accordance with 10 CFR 20.1904, "Labeling containers," if the containers met conditions such as being clearly identifiable as containing radioactive materials, being accessible only to trained individuals, and being located in an area posted pursuant to 10 CFR 20.1902, "Posting requirements"; and (3) licensees would no longer need to attempt to obtain records of a worker's cumulative radiation dose unless the worker was to be involved in a planned special exposure. In addition, the staff is considering using this opportunity to propose a change to 10 CFR 20.1003, "Definitions," to clarify the definition of total effective dose equivalent (TEDE).

This draft rule language is preliminary and may be incomplete in one or more respects. This draft rule language is being released to inform stakeholders of the NRC staff's consideration of possible changes to 10 CFR Parts 19, 20, and 50, and to invite stakeholders to comment on the draft revisions. The NRC may post updates periodically on the rulemaking Web site that may be of interest to stakeholders.

Possible Change (1)

§19.13 Notifications and reports to individuals

- 19.13(b) Each licensee shall ~~advise each worker annually of the worker's~~ make available to workers information regarding their dose as shown in records maintained by the licensee pursuant to the provisions of §20.2106 of 10 CFR part 20. The licensee shall advise each worker annually of the worker's annual dose if either the worker's cumulative dose in the previous year exceeds 2 percent of the dose limits in §20.1201(a) of 10 CFR part 20 or the worker makes a request for a report of their annual dose.

The current requirement to report radiation dose to individuals on an annual basis is repeated in three separate regulations (i.e., 10 CFR 19.13(b), 19.13(d), and 20.2205). Prior to 1992, 10 CFR 19.13(b) required licensees to provide each worker annually the worker's occupational dose "[a]t the request of any worker." Thereafter, the Commission amended its regulations (58 FR 23360; May 21, 1991) to conform to 1987 Presidential guidance for Federal

agencies on occupational radiation protection (52 FR 2822; January 27, 1987). The NRC staff is proposing to consolidate this requirement in a single revised 10 CFR 19.13(b). The NRC staff believes that the draft language for revised 10 CFR 19.13(b) comports with the intent of the Presidential guidance on occupational radiation protection because licensees would continue to be required to make available to all workers information from their dose records, as well as provide any worker with a copy of their annual dose report upon request. The requirements currently in 10 CFR 19.13(d) are very similar to the requirements in 10 CFR 20.2205, "Reports to individuals of exceeding dose limits," and therefore, the staff is proposing to remove 10 CFR 19.13(d). All requirements in 10 CFR 19.13(d) are captured by adding to 10 CFR 20.2205 a requirement for licensees to provide to individuals copies of reports sent to the NRC pursuant to 10 CFR 20.2202, "Notifications of incidents." The requirement currently in 10 CFR 20.2205 for providing individuals copies of reports sent to the NRC pursuant to 10 CFR 20.2206, "Reports of individual monitoring," is removed to reflect the proposed changes in 10 CFR 19.13(b). The following changes are under consideration for 10 CFR 19.13(d) and 20.2205:

§19.13(d) Notifications and reports to individuals.

Paragraph (d) is removed.

§20.2205 Reports to individuals of ~~exceeding dose limits~~.

When a specific licensee is required, pursuant to the provisions of §§ 20.2202, 20.2203 or 20.2204, ~~or 20.2206~~, to report to the Commission any exposure of an identified occupationally exposed individual, or an identified member of the public, to radiation or radioactive material, the licensee shall also provide ~~a copy of the report submitted to the Commission~~ to the individual a report on his or her exposure data included therein. This report must be transmitted at a time no later than the transmittal to the Commission.

When providing comments on the first change being considered, the NRC staff is particularly interested in the following:

- (1) Does the language being considered appropriately balance the intent of the Federal government's guidance and regulations related to occupational exposure in terms of avoiding burdensome requirements for doses that are insignificant while adequately providing individuals with information about their occupational exposures?
- (2) Has the staff suggested appropriate criteria for when licensees are required to provide a report to workers (i.e., is exceeds 2 percent of the dose limits in 10 CFR 20.1201(a) or the worker makes a request for a report of their dose a reasonable threshold)?
- (3) Would the change, if made based on the language being considered, result in cost savings to licensees? If so, please provide an estimate of the savings.
- (4) Should licensees be required to notify workers periodically of their right to request their dose report (e.g., when the worker is issued a personal dosimeter or annually)?

- (5) Does the possible consolidation of required reports to individuals into 10 CFR 20.2205 and the deletion of 10 CFR 19.13(d) clarify the regulations and would there be a significant cost associated with implementing this possible change?

#### Possible Change (2)

In 10 CFR 20.1904, "Labeling containers," the labeling requirements for containers of licensed material are specified. Several exemptions to those labeling requirements are defined in 10 CFR 20.1905. The staff is considering adding an exemption from 10 CFR 20.1904 to 10 CFR Part 50. This exemption would apply only to Part 50 (production and utilization) licensees. Alternatively, this exemption could be added to 10 CFR 20.1905 as a new item that would be applicable only to Part 50 licensees. The exemption, as it might be incorporated into 10 CFR Part 50, is as follows:

**50.xx Containers holding licensed material.**

(a) Each holder of a construction permit or operating license for a nuclear power plant issued under this part or combined license for a nuclear power plant issued under Part 52 of this chapter, shall comply with either 10 CFR 20.1904 of this chapter or the requirements in (b) of this section.

(b) Each licensee shall comply with the following requirements in lieu of the labeling requirements in 10 CFR 20.1904 for containers holding licensed material that reside within an area of the plant posted pursuant to the requirements 10 CFR 20.1902.

(1) Containers are conspicuously marked (such as by providing a system of color coding, labeling, or tagging of containers) commensurate with the radiological hazard;

(2) Containers are accessible only to individuals who have sufficient instructions to minimize radiation exposure while handling, or working in the vicinity of, the containers; and

(3) Plant procedures ensure that containers are appropriately labeled, pursuant to 10 CFR 20.1904, before being removed from the posted area.

When providing comments on the second change being considered, the NRC staff is particularly interested in the following:

- (1) Does the language being considered provide adequate controls for radioactive materials stored within facilities licensed under 10 CFR Part 50?
- (2) Would the change, if made based on the language being considered, result in cost savings to Part 50 licensees? If so, please provide an estimate of the savings.
- (3) Are there categories of materials licensees to which this exemption might be applied, where adequate controls for radioactive materials stored within these facilities could be provided by the conditions being considered for the exemption? If so, what would be the cost savings to these licensees?

Possible Change (3)

§20.2104 Determination of prior occupational dose.

The NRC staff is considering a change such that paragraph (a) would read as follows:

- 20.2104(a) (1) For each individual who is likely to receive in a year, an occupational dose requiring monitoring pursuant to § 20.1502, the licensee shall—  
(1) ~~D~~ determine the occupational radiation dose received during the current year; and  
(2) ~~Attempt to~~ For any individual being authorized to receive a planned special exposure, the licensee shall obtain the records of cumulative occupational radiation dose.

When providing comments on the third change being considered, the NRC staff is particularly interested in the following:

- (1) Would the change, if made based on the language being considered, ensure adequate protection of radiation workers?
- (2) Would the change, if made based on the language being considered, result in cost savings to licensees? If so, please provide an estimate of the savings.

Possible Change (4)

§20.1003 Definitions.

In 10 CFR 20.1003 and other regulations which contain a definition of TEDE (such as 10 CFR 50.2), the NRC staff is considering revising the definition of TEDE to read as follows:

*Total Effective Dose Equivalent* (TEDE) means the sum of the ~~deep-dose~~ effective dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures). When the external exposure is determined by measurement with an external personal monitoring device, the deep dose equivalent shall be used in place of the effective dose equivalent, unless the effective dose equivalent is determined by a dosimetry method approved by the NRC.

When providing comments on the fourth change being considered, the NRC staff is particularly interested in the following:

- (1) Is the proposed definition of TEDE consistent with the technical basis of the current regulations in 10 CFR Part 20 (e.g., recommendations of the International Commission on Radiological Protections in its Publications 26 and 30)?
- (2) Does the language clarify the existing requirements as explained in Regulatory Issue Summary 2003-04, "Use of the Effective Dose Equivalent in Place of the Deep Dose Equivalent in Dose Assessments," dated February 13, 2003?

- (3) Should the rule address approvals by Agreement States of dosimetry methods for using effective dose equivalent when external exposure is determined by measurement? If so, how should approval by one jurisdiction be considered by other jurisdictions to ensure consistent results and to minimize state-by-state variations in approach for licensees operating in multiple jurisdictions?