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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)
COMMENTS ON DRAFT RULE LANGUAGE FOR
10 CFR PARTS 19, 20 AND 50 REGARDING
COLLECTION, REPORTING OR POSTING OF INFORMATION
(69 FR 8350)**

Gentlemen:

Attached are comments from the Strategic Teaming and Resource Sharing (STARS)¹ nuclear power plants on the draft rule language provided in 69 FR 8350. The draft rule language affects 10 CFR Parts 19, 20, and 50. In general, the STARS plants support the rule changes encompassed by this draft rule language. Regulatory changes such as these which maintain an appropriate level of regulatory control while reducing the burden on the licensees should be pursued and implemented. Specific comments are attached.

The STARS plants appreciate the opportunity to comment on the draft rule language for 10 CFR Parts 19, 20 and 50 regarding collection, reporting or posting of information. If there are any questions regarding these comments, please contact me at 254-897-6887 or dwoodla1@txu.com.

Sincerely,

D. R. Woodlan, Chairman
Integrated Regulatory Affairs Group
STARS

¹ STARS is an alliance of six plants (eleven nuclear units) operated by TXU Energy, AmerenUE, Wolf Creek Nuclear Operating Corporation, Pacific Gas and Electric Company, STP Nuclear Operating Company and Arizona Public Service Company

**STRATEGIC TEAMING AND RESOURCE SHARING (STARS)
SPECIFIC COMMENTS ON DRAFT RULE LANGUAGE FOR
10 CFR PARTS 19, 20 AND 50 REGARDING
COLLECTION, REPORTING OR POSTING OF INFORMATION
(69 FR 8350)**

Possible Change (1)

Proposed Language:

§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.

§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.

Questions posed in Federal Register Notice:

- (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?

STARS Response: Yes

- (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)?

STARS Response: Yes

- (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.

STARS Response: Yes, the change would result in a cost savings. The savings are estimated to be over \$1000 per plant per year.

- (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)?

STARS Response: This requirement is not necessary. Those who truly need the information will receive it per the proposed rule revision. For others, it is common knowledge that important personnel information is available from employers upon request (e.g., employment history, training records) and dose records are similar in nature. In all likelihood, the right to request a dose report will be included in the initial and periodic training for plant workers but a regulatory requirement is unnecessary.

(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?

STARS Response: The consolidation of required reports into 10 CFR 20.2205 with the deletion of 10 CFR 19.13(d) clarifies the regulations. These changes were included in the savings estimate provided in response to question (3) above.

General Comments:

These changes add clarity to the regulations, retain the desired level of control and reduce the burden on licensees.

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:

Proposed Language:

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.

Questions posed in Federal Register Notice:

- (1) Does the language being considered provide adequate controls for radioactive materials stored within facilities licensed under 10 CFR Part 50?

STAR Response: Yes. Inside a radiologically posted area, all material is presumed to be potentially radioactive. As a result, there is no value in providing a 10 CFR 20.1904 label for all containers. For containers whose dose rate is at or near the ambient, only the plant's standard marking for potentially contaminated equipment is probably needed (many plants paint such components yellow or add some sort of yellow marking). Similar codes could be developed for containers with different or greater hazards.

- (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.

STARS Response: Yes, the change would result in a cost savings. The savings is estimated to be \$50,000 per year in technician and supervisory person-hours.

- (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?

STARS Response: The STARS plants are not familiar enough with the operations at all materials licensees to make a strong recommendation in this area. Without specifics, it does seem that some materials licensee could benefit from such an exemption, although the savings would probably be less than at a plant with a Part 50 license.

General comments: Recommend adding the exemption to 10 CFR 20.1905 to keep them all in one location.

Possible Change (3)

Proposed Language:

- 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.

Questions posed in Federal Register Notice:

- (1) Would the change, if made based on the language being considered, ensure adequate protection of radiation workers?

STARS Response: Yes. The cumulative occupational radiation dose is only useful for the individuals being authorized for a planned special exposure. For all others, the exposure controls and limits are annual.

- (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.

STARS Response: Yes. The saving could be as much as \$100,000 per plant per year.

General comments:

These changes add clarity to the regulations, retain the desired level of control and reduce the burden on licensees.

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:

Proposed Language

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.

Questions posed in Federal Register Notice:

- (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)?

STARS Response: Yes.

- (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?

STARS Response: Yes.

- (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?

STARS Response: Agreement State approvals should be allowed. It is expected that state-to-state variations will be minimal. What variations that may develop are not expected to be substantial. Licensees that deal with multiple states are probably already used to such variations in other areas and have methods in place to track and properly apply the varying requirements and options.

General Comments:

The clarity provided by this change is a worthwhile revision to the regulations.