

[7590-01]

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

RIN 3150 - AA38

Revised Standards for Protection Against Radiation;
Minor Amendments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule: Minor corrective and conforming amendments.

SUMMARY: This final rule makes a number of minor corrective and conforming amendments to the NRC's revised standards for protection against radiation. The final rule is necessary to correct recently discovered errors in the text of the revised standards, and to conform portions of regulatory text to the Commission's decision to defer mandatory implementation of the revised standards until 1994, and the recent OMB approval of the use of NRC Forms 4 and 5. *- subject*

EFFECTIVE DATE: (Upon publication).

FOR FURTHER INFORMATION CONTACT: Alan Roecklein, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-3740.

Enclosure A

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C-3

SUPPLEMENTARY INFORMATION:

On May 21, 1991 (56 FR 23360), the Nuclear Regulatory Commission (NRC) published its revised standards for protection against radiation (10 CFR 20.1001 - 20.2401 and the associated appendices). The revised standards for protection against radiation incorporated scientific information and reflected changes in the basic philosophy of radiation protection that had occurred since the promulgation of the original regulations. The revised standards for protection against radiation became effective on June 21, 1991. However, NRC licensees were permitted to defer the mandatory implementation of these regulations until January 1, 1993.

On December 3, 1991 (56 FR 61352), the NRC published a final rule in the Federal Register that corrected a number of minor printing errors and omissions in the May 21, 1991, final rule. Since the publication of the December 3, 1991, correction and the codification of the revised standards for protection against radiation in the 1992 revision of 10 CFR Chapter I, additional typographical errors and inadvertent omissions have been discovered in the revised standards for protection against radiation. This amendment is necessary to correct these errors in the text of the revised standards for protection against radiation.

On August 26, 1992 (57 FR 38588), the NRC published a final rule that extended the date by which NRC licensees are required to implement the revised standards for protection against radiation from January 1, 1993, until January 1, 1994. This amendment also makes several conforming amendments to the text of the revised standards for protection against radiation that are necessary to reflect the new mandatory implementation date.

The Nuclear Regulatory Commission submitted the information collection requirements contained in this part and NRC Forms 4 and 5, to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980. OMB has approved the information collection requirements contained in Part 20 under control number 3150-0014, and has approved the use of NRC Forms 4 and 5 under control number 3150-0005 and 3150-0006. This amendment revises § 20.1009 to reflect these approvals.

Explanation of Changes

This final rule makes minor corrections and conforming changes for the following reasons:

In § 20.1003 Definitions, the inadvertently repeated parenthetical phrase " $(H_{t,cs} = \sum_{i=1}^n H_{t,cs})$ " is removed.

In § 20.1009, reporting, recording, and application requirements: OMB approval, text is revised to reflect recent OMB approvals.

In § 20.1202, several misprints in the subscripts are corrected.

In § 20.1302, the word "continually" is changed to "continuously" to better reflect the intent of the provision that an individual would have to be present without interruption in an unrestricted area.

In § 20.1703, the word "are" is corrected.

In § 20.1703, the acronym NIOSH is corrected.

In § 20.2104, the word "lifetime" is deleted from the phrase "...lifetime cumulative radiation dose..." because it is redundant with

cumulative and may be misleading because the new rules do not include a lifetime dose limit.

In § 20.2104, paragraph (d) is revised to better explain the option of using a record of exposure history other than Form 4. The amendment makes it clear that all of the information required on Form 4 would need to be in the optional record.

In § 20.2104 (d), footnote 4, the first sentence is amended to make it clearer that licensees do not have to partition doses received prior to implementing the new Part 20 into external dose equivalents and internal committed dose equivalents. Also, the phrase "...occupational exposure histories obtained and recorded on NRC Form 4 before January 1, 1991, would not have included effective dose equivalent..." is changed to "...before January 1, 1994, might not...." This is more accurate since if licensees do not implement the new regulation until the mandatory compliance date of January 1, 1994, they are not required to measure and record effective dose equivalent.

In § 20.2202, the phrase "...five times the occupational annual limit on intake..." is amended by deleting the word "occupational," in order to avoid the implication that there is a "non-occupational" or "public" Annual Limit on Intake (ALI).

In Appendix B to §§ 20.1001 - 20.2401, in the paragraph under the heading "Introduction," language is added to make it clear that inhalation retention classes (D,W,Y) apply only to the inhalation ALIs and DACs given in Table 1, column 2 and 3.

In Appendix B, the seventh paragraph under the heading Table 1 "Occupational" which begins "Note that the dose equivalent..." is deleted because it was erroneously repeated. The same paragraph occurs as the fourth paragraph under the heading Table 1, "Occupational," where it is correct.

In Appendix B, in the third paragraph, the unit "ml" was omitted from the number 2.4×10^9 . The unit is added.

In Appendix B, in the last paragraph under the heading Table 2, in the third sentence, the word "the" in the phrase "...presence of the one of the..." is deleted, and the words "...as being present..." are deleted from the phrase "...excluded as being present either from..."

Administrative Procedures Act: Waiver

Because these amendments make minor corrective and conforming changes to an existing regulation, the NRC has determined that good cause exists to dispense with the notice and comment provisions of the Administrative Procedure Act (AA) pursuant to 5 U.S.C. 553 (b)(B). For the same reason, the NRC has determined that good cause exists to waive the 30-day deferred effective date provisions of the AA (5 U.S.C. 553 (d)).

Environmental Impact: Categorical Exclusion

The NRC has determined that this rule is the type of action described in categorical exclusion 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C.3501 et seq.). Existing requirements, including requirements contained in §§ 20.1001-20.2401, published May 21, 1991, were approved by the Office of Management and Budget, approval numbers 3150-0014.

Regulatory Analysis

This final rule is administrative in that it corrects and conforms the text of an existing regulation. These amendments will not have a significant impact. Therefore, the NRC has not prepared a regulatory analysis for this final rule. The final regulatory analysis for the May 21, 1991, final rule examined the costs and benefits of the alternatives considered by the Commission in developing the revised standards for protection against radiation and is available for inspection in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington DC.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule, and therefore, that a backfit analysis is not required for this final rule because these amendments do not involve any provision which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects

10 CFR Part 20

Byproduct material, Criminal penalties, Licensed material, Nuclear Materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Special nuclear material, Source material, Waste treatment and disposal.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following corrective and conforming amendments to 10 CFR Part 20.

PART 20 - STANDARDS FOR PROTECTION AGAINST RADIATION

1. The authority citation for Part 20 continues to read in part as follows:

AUTHORITY: Sec. 161, 68 Stat. 948, as amended (42 U.S.C.2201); Sec. 201, 88 Stat. 1242, as amended, 42 U.S.C. 5841) ***.

2. The undesignated center heading directly preceding Subpart A (§§ 20.1001 - 20.1009) is revised to read as follows:

Regulations Mandatory as of January 1, 1994, With Earlier Compliance Encouraged

3. In § 20.1003, the term Dosimetry processor is revised to read as follows:

§ 20.1003 Definitions.

* * * * *

Dosimetry processor means an individual or organization that processes and evaluates individual monitoring equipment in order to determine the radiation dose delivered to the equipment.

* * * * *

4. In § 20.1009, ~~section (a) and (b) are revised, and a new section (c) is added as follows:~~
revised to read

* * * * *

20.1009 Information collection requirements: OMB approval

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control number 3150-0014.

(b) The approved information collection requirements contained in this part appear in §§ 20.1101, 20.1202, 20.1204, 20.1206, 20.1301, 20.1302, 20.1502, 20.1601, 20.1703, 20.1901, 20.1902, 20.1904, 20.1905, 20.1906, 20.2002, 20.2004, 20.2006, 20.2102, 20.2103, 20.2104, 20.2105, 20.2106, 20.2107, 20.2108, 20.2110, 20.2201, 20.2202, 20.2203, 20.2204, 20.2206, and Appendix f.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this

section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In § 20.2104, NRC Form 4 is approved under control number 3150-0005.

(2) In §§ 20.2106 and 20.2206, NRC Form 5 is approved under control number 3150-0006.

§ 20.1202 [Amended]

5. In § 20.1202(b)(3), footnote 1, the word "factors" is revised to read "factor;" the phrase "committed dose equivalent, H_{50} ," is revised to read "committed dose equivalent, H_{50c} ;" the phrase "maximum weighted value of H_{50} ," is revised to read "maximum weighted value of H_{50c} "; and the parenthetical, "(w. H_{50} .)" is revised to read "(w. H_{50c})."

§ 20.1302 [Amended]

6. In § 20.1302(b)(2)(ii), the word "continually" is revised to read "continuously."

§ 20.1703 [Amended]

7. In the first sentence of § 20.1703(b)(1), "ae" is revised to read "are."

8. In § 20.1703(c), "NOISH" is revised to read "NIOSH."

§ 20.2104 [Amended]

9. In § 20.2104, paragraph (c)(2) is amended by removing the word "lifetime" and paragraph (d) is revised to read as follows:

§ 20.2104 Determination of prior occupational dose.

* * * * *

(d) The licensee shall record the exposure history of each individual, as required by paragraph (a) of this section, on NRC Form 4, or other clear and legible record, including all of the information required by Form 4. The form or record must show each period in which the individual received occupational exposure to radiation or radioactive material and must be signed by the individual who received the exposure. For each period for which the licensee obtains reports, the licensee shall use the dose shown in the report in preparing the NRC Form 4. For any period in which the licensee does not obtain a report, the licensee shall place a notation on the NRC Form 4 indicating the periods of time for which data are not available.

* * * * *

Licenses are not required to partition historical dose between external dose equivalent(s) and internal committed dose equivalent(s). Further, occupational exposure histories obtained and recorded on NRC Form 4 before January 1, 1994, might not have included effective dose equivalent, but may be used in the absence of specific information on the intake of radionuclides by the individual.

§ 20.2202 [Amended]

10. In § 20.2202(a)(2), the word "occupational" is removed.

Appendix B to §§ 20.1001 - 20.2401 [Amended]

11. In Appendix B to §§ 20.1001 - 20.2401, the paragraph under the heading "Introduction" is amended by adding the following sentence after the third sentence:

"The class (D, W, or Y) given in the column headed "Class" applies only to the inhalation ALIs and DACs given in Table 1, columns 2 and 3."

12. In Appendix B to §§ 20.1001 - 20.2401, the seventh paragraph under the heading Table 1 "Occupational" which begins "Note that the dose equivalent..." is removed.

13. In Appendix B to §§ 20.1001 - 20.2401, in the second sentence of the third paragraph under the heading Table 2 which begins "The air concentration levels..." the unit "mCi" is added after the number 2.4×10^9 ."

14. In Appendix B to §§ 20.1001 - 20.2401, in the last sentence of the last paragraph under the heading Table 2 is revised to read as follows:

"The limit for the unknown mixture is defined when the presence of one of the listed radionuclides cannot be definitely excluded either from knowledge of the radionuclide composition of the source or from actual measurements."

Dated at Rockville, Maryland, this ____ day of _____, 1992.

For the Nuclear Regulatory Commission.

James M. Taylor,
Executive Director for Operations.

Enclosure B
Draft Daily Staff Notes Item

DAILY STAFF NOTES
OFFICE OF NUCLEAR REGULATORY RESEARCH

Final Rule Signed by EDO

On _____, 1992, the Executive Director for Operations approved a final rule that makes a number of minor corrective and conforming amendments to 10 CFR Part 20, Standard for Protection Against Radiation (10 CFR 20.1001-20.2401). This amendment is necessary to correct a number of typographical errors and inadvertent omission discovered since the revised standards were published in 10 CFR Chapter I. In addition, this amendment makes conforming changes to reflect the Commission's decision to extend the date for mandatory implementation of the revised standards to January 1, 1994.

This notice informs the Commission that, in accordance with the rulemaking authority delegated to the EDO, the EDO has signed this final rule and proposes to forward it on _____ to the Office of the Federal Register for publication, unless otherwise directed by the Commission.

Enclosure B

ROUTING AND TRANSMITTAL SLIP

Date 10/16/92

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. <i>Q Roedlein</i>	<i>CR #6</i>	
2.	<i>AA-38-2</i>	
3.		
4.		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Your draft amendment to part 20 is in concurrence in NPR. In the meantime, I'm enclosing marked-up pages showing some typographic errors.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
<i>Phil C... , NR/ECPB</i>	<i>12 E 4</i>
	Phone No.
	<i>504-1280</i>

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

James M. Taylor

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Comments
from PC to,
NRR.
10/16/92

CF
AA-38-2
~~EF~~
#6

Coordination: The Offices of Administration, Information Resources Management, Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards and concur in these amendments. The General Counsel has no legal objection to their publication.

Eric S. Beckjord, Director
Office of Nuclear Regulatory Research

Enclosures:

- A. Federal Register Notice of Final Rulemaking
- B. Draft Daily Staff Notes Item

Distribution: [REVISED.STA]
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NOTE: A draft copy of the final rule was sent to OIG for review on _____.

*See Previous Concurrence

OIG RPHEB DRA*	RPHEB DRA*	RPHEB DRA*	DD DRA RES	D DRA RES	DD OIR RES	D NRR	D NMSS
Name ARoecklein lc	CTrottier	DACool	FCostanzi	BMorris	CJHeltemes	TMurley	RBernero
Date 10/05/92	10/05/92	10/05/92	1/1/92	1/1/92	1/1/92	1/1/92	1/1/92

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Date 1/1/92	1/1/92	1/1/92	1/1/92

OFFICIAL RECORD COPY

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Enclosure A