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NOTATION VOTE-RESPONSE SHEET-FM COMM.
ZECH TO CHILK. SECY, DTD 6/6/86 --
SUBJ: SECY-86-48A - BACKFIT ANALYSIS
FOR PROPOSED REVISION OF 10 CFR PART
20

APPROVED

DATE OF DOCUMENT 6/10/86		DATE RECEIVED 6/11/86		NO. <i>4438-2</i> <i>Central Files</i> <i>only</i> RES-86-0770	
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ORIG.		CC		OTHER	
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NOTATION VOTE

RESPONSE SHEET

CC: Stello
Roe
A-38-2
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TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER ZECH

SUBJECT: SECY-86-48A - BACKFIT ANALYSIS FOR PROPOSED REVISION
OF 10 CFR PART 20

APPROVED ✓ DISAPPROVED _____ ABSTAIN _____

NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

Larry W. Zech Jr.
SIGNATURE

6-6-86

DATE

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Asselstine cc: Stello
Roe

AA-38-2

NOTATION VOTE

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RESPONSE SHEET

G. Cunningham

R. H. H. H. H.

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER ASSELSTINE

SUBJECT: SECY-86-48A - BACKFIT ANALYSIS FOR PROPOSED REVISION
OF 10 CFR PART 20

APPROVED ✓ DISAPPROVED _____ ABSTAIN _____

NOT PARTICIPATING _____ REQUEST DISCUSSION _____

COMMENTS:

WITH THE ATTACHED COMMENT.

Samuel J. Chilk
SIGNATURE

6-24-86

DATE

YES NO

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Entered on "AS"

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Commissioner Asselstine's comments to be added to Federal Register Notice

Commissioner Asselstine adds the following:

I approve the publication of this Backfit Analysis for the purpose of obtaining public comment on the adequacy of the Commission's compliance with its Backfit Rule. The NRC staff has written that it "...does not believe that the Part 20 revision will provide a 'substantial' change in the radiation doses received by workers and members of the public." (See SECY-86-48A, page 2, "Backfit Analysis for Proposed Revision of 10 CFR Part 20 dated May 19, 1986.) The Commission's Backfit Rule (10 CFR 50.109) requires a two prong test to be met before the Commission can promulgate a new or revised regulation such as the Part 20 proposed revisions. One of the required tests contained in 10 CFR 50.109(a)(3) is that any revision to the Commission's regulations affecting Part 50 licensees must provide "...a substantial increase in the overall protection of the public health and safety..." Given the above conclusion of the staff that this threshold is not met in the proposed revision to Part 20, the Commission is here asking the public whether the application of the threshold standard in 10 CFR 50.109(a)(3) should be suspended for the Part 20 revisions. I would particularly appreciate receiving comments from those that believe the threshold standard should be suspended as to why the Part 20 rulemaking deserves special treatment under the Backfit Rule. In addition, I would appreciate comments on whether the Commission should develop criteria governing when the Commission will or will not apply the threshold

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standards of 10 CFR 50.109(a)(3) and whether such criteria should be subjected to rulemaking.