



NOTATION VOTE

RESPONSE SHEET

CC: Stello  
Roe  
AA38-2  
Minoque

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:

Carlos W. Zech Jr.  
SIGNATURE  
6-6-86  
DATE

SECRETARIAT NOTE: PLEASE ALSO RESPOND TO AND/OR COMMENT ON OGC/OPE  
MEMORANDUM IF ONE HAS BEEN ISSUED ON THIS PAPER.

*Asselstine* cc: Stello  
Roe **AA-38-2**

NOTATION VOTE

*Central Files Only*

RESPONSE SHEET

*G. Cunningham*  
*R. Minicute*

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.*

*James K. Asselstine*  
SIGNATURE

*6-24-86*

DATE

Entered on "AS"  YES  NO

SECRETARIAT NOTE: PLEASE ALSO RESPOND TO AND/OR COMMENT ON OGC/OPE MEMORANDUM IF ONE HAS BEEN ISSUED ON THIS PAPER.

AA38-2

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

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