



OFFICE OF THE  
SECRETARY

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

June 28, 1990

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MEMORANDUM FOR: Chairman Carr  
Commissioner Roberts  
Commissioner Rogers  
Commissioner Curtiss  
Commissioner Remick

FROM: *(Signature)* Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS MEMORANDUM

Attached is the staff requirements memorandum on SECY-88-315/SECY-89-267. In accordance with the Commission's decision, the SRM will be issued to the staff by COB July 3, 1990, unless I hear otherwise.

We understand that the staff may provide the Commission with a number of proposed changes to update the FRN within the next several days. This SRM will be updated to reflect any additional material received from the EDO.

The attached SRM and the subject SECY paper are considered to be "final Commission decisions" and as such will be released to the public upon publication of the Federal Register Notice.

Commissioners Curtiss, Remick, and Rogers have also indicated that their vote sheets should be released. Their votes will accompany the paper and the SRM.

Attachment:  
As stated

cc: OGC  
EDO

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SECRETARY

AA38-2

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

MEMORANDUM FOR: James M. Taylor  
Executive Director for Operations

William C. Parler  
General Counsel

FROM: Samuel J. Chilk, Secretary

SUBJECT: SECY-89-267/SECY-88-315 - REVISION OF  
10 CFR PART 20 - STANDARDS FOR PROTECTION  
AGAINST RADIATION

This is to advise you that the Commission (with Chairman Carr and Commissioners Rogers, Curtiss, and Remick agreeing) has approved the proposed revisions to 10 CFR Part 20 as presented in SECY-88-315 and as revised in SECY-89-267 and subject to the modifications listed below. Commissioner Roberts disapproved the rule changes; he does not believe that the proposal meets the requirements of the backfit rule.

Following Staff completion of the following items the rule should be returned for final Commission review, affirmation of their votes, and publication in the Federal Register.

(EDO/OGC)

(SECY Suspense: 8/90)

1. The Commission has agreed that publication of the rule changes can be supported under the backfit rule as follows:
  - a.) As reflected in the revised backfit analysis provided by the EDO on March 1990, the revision to Part 20 provides for a substantial increase in the overall protection of the public health and safety compared with the level of protection presently required by Part 20 and the direct and indirect costs of implementation are justified in view of the quantitative and qualitative benefits associated with the revision. Nevertheless, the Commission also believes that licensed nuclear facilities are presently providing adequate protection of the public health and safety because they are operating at dose levels far below the present requirements in Part 20 in accordance with the ALARA provisions.

NOTE: THIS SRM, THE SUBJECT SECY PAPER, AND THE VOTE SHEETS OF COMMISSIONERS CURTISS, REMICK, AND ROGERS WILL BE MADE PUBLICLY AVAILABLE WHEN THE FEDERAL REGISTER NOTICE IS PUBLISHED.

- b.) The Commission also believes that the revision to Part 20 constitutes a redefinition of adequate protection as described in 10 CFR 50.109 (a)(4)(iii) and that the usual backfit analysis and cost-benefit balancing are therefore not required in this instance.

The Statement of Consideration and the Backfit analysis should be modified and supplemented as necessary to reflect the Commission's decision. In particular, the Federal Register notice should incorporate the staff's summary of the revised backfit analysis based on a finding that the revisions to Part 20 provide for a substantial increase in safety. The analysis should conclude with the following paragraph:

The Commission is adopting the final rule based on the conclusion of this analysis that the rule provides for a substantial increase in the overall protection of the public health and safety and that the direct and indirect costs of its implementation are justified in terms of the quantitative and qualitative benefits associated with the rule. The Commission would note, however, that, even had the analysis not concluded that revised Part 20 provides a substantial increase in the overall protection of the public health and safety, it could have gone forward with the rule because the changes made to Part 20 also amount to a redefinition of the level of adequate protection, which is one of the circumstances described in 10 CFR 50.109 where a backfit analysis is not required.

2. The revision to Part 20 should become effective on January 1, 1992 and the staff should complete development of the necessary regulatory guidance documents by January 1, 1991. Early completion of the guidance, at least in draft form, should provide ample time for licensees to review and comment on the guidance and to develop and implement the measures necessary to comply with the new Part 20 by the effective date. In preparing regulatory guidance, the staff should ensure that it provides for the same flexibilities that have been incorporated into the rule, particularly in the areas of (1) determining compliance with the occupational dose limits involving internally deposited radionuclides and (2) establishing site-specific effluent limits in air and water considering physical and environmental characteristics that influence potential doses to members of the public.
3. The discussion in the Statement of Consideration (pg. 13 of Enclosure 3 to SECY-88-315) allows licensees to make pen and ink changes to Part 20. Language should be added to the rule itself (perhaps along the lines established by 10 CFR 50.73(g)) to make it clearly legal to make the pen and ink changes.
4. The Commission disagrees with the staff proposal to incorporate generically all existing and future EPA general environmental standards. Incorporation of EPA general environmental standards should continue on a case-by-case basis. The statement of consideration and rule should be modified accordingly.
5. The revision to Part 20 incorporates OSHA regulations for respirators; the health and safety rationale for this provision should be incorporated

into the Statement of Consideration and the date of the codified OSHA regulations should be part of the citation. (If a health and safety rationale does not exist for the requirement, it should be deleted.)

6. The Statement of Consideration should be expanded to clarify the impact of the change in dose limits for members of the public from 500 to 100 millirem/yr when conforming the general license design standards in Parts 32 and 40 (see conforming amendment in Enclosure 5 to SECY-88-315 on pages 144 and 147).
7. The revisions to Part 20 provide for flexibilities in (1) determining compliance with occupational dose limits involving internally deposited radionuclides and (2) establishing site-specific effluent limits in and out water. The language in the Statement of Consideration, the rule, and the guidance documents should clearly emphasize that these flexibilities apply only within an envelope of equivalent safety and protection. The language in Enclosure 3 page 2 of SECY-89-267 should be clarified.
8. The Federal Register Notice should be updated as appropriate to reflect the Commission's recent decision on the Below Regulator Concern Policy Statement.
9. Staff should clarify the definition of natural background radiation used in the rule, in particular in regard to sources of radioactive material beyond federal regulatory control (page 6 and 13 of enclosure 4 of SECY-88-315).
10. The attached modifications should be incorporated into the Federal Register Notice. The Notice should be reviewed to assure that all of the information contained in it is updated to reflect the national and international radiation protection developments that have occurred since the text was prepared (i.e. BEIR V, UNSCEAR, and NCRP's report on hot particles should be included). Finally, the Notice should have a final quality control check, including use of Enclosure 6 of SECY-88-315, to be sure that issues raised in the statements of consideration are answered and that all significant changes between the proposed and final rules are discussed.

The Commission commends the staff for its diligence and hard work in completing the revision to Part 20. Since the effort to revise Part 20 began in 1978, the staff has remained dedicated to completing the revisions to ensure increased protection of the public health and safety.

cc: Chairman Carr  
Commissioner Roberts  
Commissioner Rogers  
Commissioner Curtiss  
Commissioner Remick  
IG  
ACRS  
ACW