



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555
November 5, 1992

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#32

MEMORANDUM FOR: C.J. Heltemes, Jr., Deputy Director
for Generic Issues and Rulemaking
Office of Nuclear Regulatory Research

FROM: Stuart A. Treby
Assistant General Counsel
for Rulemaking and Fuel Cycle
Office of the General Counsel

SUBJECT: OFFICE CONCURRENCE IN FINAL AMENDMENT TO 10
CFR PART 20 REVISED STANDARDS FOR PROTECTION
AGAINST RADIATION: MINOR AMENDMENTS

This memorandum responds to your memorandum of October 9, 1992, requesting concurrence by the Office of the General Counsel (OGC) in the proposed minor amendments to 10 CFR Part 20 of the Commission's regulations. We have no legal objection to the proposed action, and therefore concur on behalf of OGC in the amendments, subject to your making the modifications shown on the pages attached to this memorandum.

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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 ^{therefore} necessary to correct these errors in the text of the revised standards for protection against radiation. *MIADP*

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.

Enclosure A

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 ^{therefor} revises § 20.1009 to reflect these approvals.

Explanation of Changes

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

In § 20.1003 Definitions, the inadvertently repeated parenthetical phrase " $(H_{e,50} = \sum H_{r,50})$ " 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

the heading ~~Table 1~~ Table 2

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 2.4×10^3 . 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

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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 (APA) 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 APA (5 U.S.C. 553 (d)).

(3)

Environmental Impact: Categorical Exclusion

10 CFR

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.

Enclosure A

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).

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