



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

November 2, 2007

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-07-0162

TITLE: FINAL RULE TO AMEND 10 CFR PARTS 19, 20, AND 50:
OCCUPATIONAL DOSE RECORDS, LABELING
CONTAINERS, AND THE TOTAL EFFECTIVE DOSE
EQUIVALENT (RIN 3150-AH40)

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of November 2, 2007.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Klein
Commissioner Jaczko
Commissioner Lyons
OGC
EDO
PDR

VOTING SUMMARY - SECY-07-0162

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X				X	10/19/07
COMR. JACZKO	X				X	10/18/07
COMR. LYONS	X				X	9/28/07

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on November 2, 2007.

AFFIRMATION ITEM

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: CHAIRMAN KLEIN

SUBJECT: SECY-07-0162 – FINAL RULE TO AMEND 10 CFR PARTS 19, 20, AND 50: OCCUPATIONAL DOSE RECORDS, LABELING CONTAINERS, AND THE TOTAL EFFECTIVE DOSE EQUIVALENT (RIN 3150-AH40)

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached X None _____



SIGNATURE

10/19/07

DATE

Entered on "STARS" Yes _____ No _____

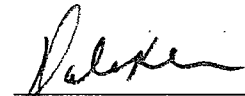
Chairman Klein's Comments on SECY-07-0162

I approve the staff's recommendations, subject to the following comments:

The opening paragraph of the Background refers to the Strategic Plan for FY 2000-2005. The paragraph should also reference the expectations of the current Strategic Plan by adding the following sentence;

“Similarly, the NRC Strategic Plan Fiscal Year 2004--Fiscal Year 2009 includes as an Effectiveness Strategy improving NRC regulation by adding needed requirements and eliminating unnecessary requirements.”

The first sentence of the second paragraph should then be edited to read
“To reduce unnecessary regulatory burden, the NRC issued...”

 10/19/07
Dale E. Klein Date

AFFIRMATION ITEM

RESPONSE SHEET

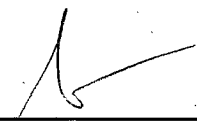
TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER JACZKO
SUBJECT: SECY-07-0162 – FINAL RULE TO AMEND 10 CFR PARTS 19, 20, AND 50: OCCUPATIONAL DOSE RECORDS, LABELING CONTAINERS, AND THE TOTAL EFFECTIVE DOSE EQUIVALENT (RIN 3150-AH40)

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below X Attached None

See attached edits.



SIGNATURE

12/18/07

DATE

Entered on "STARS" Yes X No

per year to the individual.) Therefore, it is no longer necessary for licensees to obtain records of cumulative occupational dose. However, 10 CFR Part 20 still requires licensees to maintain records of individual monitoring results and to submit to the NRC an annual report of the results of individual monitoring. The ability to do a retrospective dose assessment is not affected by this final rule. The revision to 10 CFR 20.2104(a)(2) does not change the Commission's requirements for monitoring individuals or for maintaining records of doses received by individuals at licensed facilities. Thus, the dose records for individuals whose exposure histories span more than one licensed facility will still be available for risk assessments.

Comment. One commenter stated that removing the requirement in 10 CFR 20.2104(a)(2) will not reduce future burden on licensees because if the NRC implements the proposed International Commission on Radiological Protection (ICRP) recommendation on dose limits averaged over several years, then licensees will need to reconstruct a worker's prior dose records.

Response. ~~The NRC has not initiated any changes to 10 CFR Part 20 to adopt the latest ICRP recommendations and has yet to decide when this would happen and the extent to which they would be adopted. The Commission's current regulations do not permit averaging annual dose over several years.~~

INSERT ①
Attached

Comment. One commenter stated that the rule should be expanded to not require a licensee to obtain a worker's dose records prior to permitting the worker to participate in a planned special exposure, but to require the worker to retrieve this data. The commenter believed that this would alleviate an administrative burden on the licensee.

Response. This comment is outside the scope of this rulemaking. The final rule does not address the methods used to obtain a worker's dose history when that dose history is required prior to permitting the worker to participate in a planned special exposure. The final rule only removes the requirement for a licensee to obtain the records of cumulative

1. A change in this area would not affect the ability of licensees to implement dose averaging if the Commission decides to adopt this practice in the future. The reason is that the revision does not remove the requirement to record and report the doses received by monitored workers. What the rule does is to remove the requirement for each licensee to compile the exposure history of each worker as recorded on previous FORM 5s, even though the compiled record is not used for any purpose other than in the case of planned special exposures, and there has not yet been any cases of planned special exposures in the industry. Should a purpose develop (such as dose averaging) that would justify such data compilation, then it would be easy to do so because the records are available.

AFFIRMATION ITEM

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

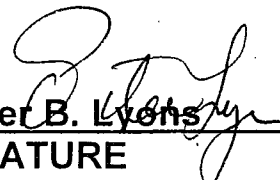
FROM: COMMISSIONER LYONS

SUBJECT: SECY-07-0162 – FINAL RULE TO AMEND 10 CFR PARTS 19, 20, AND 50: OCCUPATIONAL DOSE RECORDS, LABELING CONTAINERS, AND THE TOTAL EFFECTIVE DOSE EQUIVALENT (RIN 3150-AH40)

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached X None


Peter B. Lyons
SIGNATURE

09/ 28 /07
DATE

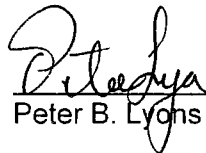
Entered on "STARS" Yes X No

Commissioner Lyons' Comments on SECY-07-0162

I approve the staff recommendation to publish the *Federal Register* notice of final rulemaking subject to the following comment.

The opening paragraph of the background discusses the previous Strategic Plan for Fiscal Years 2000 – 2005. This is a dated reference and should be eliminated and replaced with a discussion of the current Strategic Plan and the Effectiveness strategic goal.

I also approve the staff recommendation that the Commission certify that this rule will not have a significant economic impact on a substantial number of small entities.

 9/25/07
Peter B. Lyons Date