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

November 21, 1990

CHAIRMAN

Mr. Byron Lee, Jr., President
Nuclear Management and Resources
Council
Suite 300
1776 Eye Street, N.W.
Washington, D.C. 20006-2496

Dear Mr. Lee:

I am responding to your July 27, 1990 letter regarding the implementation date of the revisions to 10 CFR Part 20. The Nuclear Regulatory Commission (NRC) agrees with you that "implementing the revised 10 CFR Part 20 is a major undertaking that needs to be done right." Accordingly, the Commission has decided to extend the implementation date of the revised Part 20 to January 1, 1993. This will allow an additional year for the conformance of licensee operating procedures with final regulatory guidance and will provide more time for training licensee personnel and NRC inspectors and license reviewers.

The Commission has also decided to make the revised Part 20 effective 30 days after publication, subject to the January 1, 1993 implementation date. NRC licensees may choose to implement the rule in its entirety prior to the implementation date provided that NRC is properly informed. Implementing the revised rule at the beginning of the calendar year would minimize the need to reconcile quarterly and annual dose limits. Nevertheless, dose records can be appropriately reconciled and maintained by licensees that elect to implement the revised Part 20 at any time during the year prior to the implementation date.

With respect to the Agreement States, the Commission decided to extend the implementation date until January 1, 1994, given the long-standing NRC policy of allowing Agreement States up to three years from the date of issuance to implement an NRC rule. Therefore, Agreement States implementation schedules for the revised Part 20 may be delayed somewhat compared with the schedule for NRC licensees. Although this might cause minor difficulties for facilities that are regulated by both an Agreement State and the NRC (e.g., State-regulated radiographers working at a nuclear power plant site), the actual impact of the delay should be small because NRC is committed to working closely with the States on the implementation of the revised Part 20.

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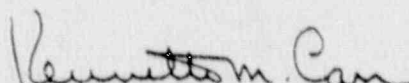
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As part of a broader effort to facilitate implementation of the revised Part 20 at NRC- and Agreement State-licensed facilities, NRC has already begun training activities related to the new rule. For example, NRC sponsored a video teleconference, "An Overview of the NRC's Revised 10 CFR Part 20," on September 26, 1989. Although this teleconference was intended primarily for Agreement State personnel, representatives of non-Agreement States and numerous licensees also participated. The NRC staff has presented courses and lectures on the revised Part 20 at the national and mid-year meetings of the Health Physics Society, the National Meeting of the Industrial Hygiene Conference, and smaller organizations such as the Virginia Chapter of the Health Physics Society and the Army Industrial Hygiene Agency. Staff will conduct additional training and workshops in 1991 and 1992. In addition, commercial videotapes and training courses on the revised rule are also available.

In addition to training activities, development of the necessary guidance to implement the revised Part 20 has been underway for some time. The NRC staff plans to coordinate development of key regulatory guidance documents with licensees and other interested parties between now and the end of 1991, at which time all relevant regulatory guidance will be complete and available in final form. Early and constructive comments from organizations such as NUMARC would be beneficial in terms of ensuring timely and effective implementation of the revised rule by licensees, NRC, and Agreement States.

We look forward to the nuclear industry's continued cooperation in implementing the revised 10 CFR Part 20 and welcome any further suggestions you may wish to offer.

Sincerely,


Kenneth M. Carr



NUCLEAR MANAGEMENT AND RESOURCES COUNCIL

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Byron Lee, Jr.
President
NUMARC

July 27, 1990

The Honorable Kenneth M. Carr
Chairman
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Chairman Carr:

The purpose of this letter is to bring to your attention our concerns regarding the implementation date for the revised 10 CFR 20. NUMARC met with the NRC staff on July 10, 1990, to discuss mechanisms for providing input into the development of the Regulatory Guides associated with the revised rule. During this meeting the NRC staff indicated the current implementation date of the revised rule is January 1, 1992. The staff also said that publication of the revised rule is not expected until some time in August of this year. This is only sixteen months before the revised rule is proposed to take effect. We continue to be very concerned with the effect that such a compressed schedule will have on successful implementation of the revised rule by the nuclear power industry and request that the implementation date be revised for the following reasons.

The proposed rule, published in the Federal Register on January 9, 1986 (51 FR 1092), provided a five year implementation schedule from publication of the final rule. Our previous correspondence of April 26, 1988, and October 20, 1988, and our testimony presented to the Commission on November 10, 1988 emphasized that a five-year implementation period is essential due to the complexity of the rule.

Draft Regulatory Guides have not been made available for public comment and, we understand, are not scheduled to be available until January, 1991. Allowing for a reasonable public comment period, the final Regulatory Guides will not be available until approximately six months before the revised rule is to take effect. Such a schedule is not conducive to effective and efficient implementation of this important rule. Previous industry comments stressed the importance of having the Regulatory Guides available within the first three years of the recommended five year implementation period to allow sufficient review, understanding, and implementation by the industry. Your concern, expressed in the November 10, 1988 Commission briefing on Part 20, was, "... whether we [NRC] shouldn't make the effective date five years after the proposed rule or whether we should give some consideration to, since we've got a lot of work to do, taking a look at making the effective date after these things [Regulatory Guides] get on the street."

7/30...To EDO to Prepare for Signature of Chairman...Due Comm. 8/15...
Cpys to: RF, Chairman, D&S...90-0796

Honorable Kenneth M. Carr
July 27, 1990
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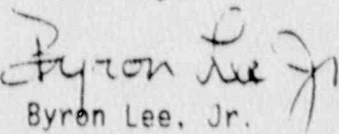
The compressed schedule will adversely affect correct and consistent implementation of the rule. To support changes to their radiation protection programs, licensees will have to make changes to computer software and record keeping practices, revise procedures and provide advance training for their personnel. Consistent implementation, by all licensees, is critical in assuring that worker dose is accurately recorded. Record keeping has been identified as the single most costly aspect of the revised rule. A recent study on implementation costs, presented at the June 1990 Health Physics Society meeting, projected initial costs of \$1.8 million for a single unit nuclear power plant. Compressing the implementation schedule will likely increase this cost.

Agreement States must conform their regulations to the revised 10 CFR 20 within three years from its effective date. Many utilities hold Agreement State licenses. The possibility of requiring operation of radiation protection programs under two different systems of regulation during this three year period exists. This inconsistency should be avoided.

In summary, implementing the revised 10 CFR 20 is a major undertaking that needs to be done right. Because the final rule will not be published before August, 1990 and the draft Regulatory Guides will not be available for public comment until January, 1991, proper implementation will be adversely affected by the current schedule. We strongly urge reconsideration of the rule's effective implementation date and request that this date be approximately three years after publication of the final Regulatory Guides or conformation by all the Agreement States, whichever is later.

We look forward to continued cooperation in the implementation of the revised 10 CFR 20 and would be pleased to meet with the Commission to discuss our concerns. If there are any questions, please contact Joe Colvin, Tom Tipton or me.

Sincerely,


Byron Lee, Jr.

BL/JJM:mls

cc: Commissioner Kenneth C. Rogers
Commissioner James R. Curtiss
Commissioner Forrest J. Remick
Mr. James M. Taylor
Dr. Thomas E. Murley
Mr. Eric S. Beckjord