

MAR 29 1991

MEMORANDUM FOR: Chairman Carr  
 Commissioner Rogers  
 Commissioner Curtiss  
 Commissioner Remick

FROM: James M. Taylor, Executive Director for Operations

SUBJECT: CLARIFICATION OF THE REQUIREMENTS OF 10 CFR § 34.27

The Staff Requirements Memorandum of February 15, 1991 indicated a Commission understanding that the staff had initiated a rulemaking to clarify the requirements of 10 CFR § 34.27. Such a rulemaking has not been initiated, but the staff is considering an extensive revision of 10 CFR Part 34 aimed at clarifying the requirements of Part 34 which have been misinterpreted with some regularity in the past. The revision would also make Part 34 more consistent with the approach taken in Part E of the "Suggested State Regulations for Control of Radiation" developed by the Conference of Radiation Control Program Directors, Inc. (CRCPD), and Part 31 of the Texas Regulations for Control of Radiation.

I believe that the clarification of the requirements of 10 CFR § 34.27 indicated in the aforementioned Staff Requirements Memorandum would be better accomplished as part of an overall revision of Part 34 rather than to treat it as a separate rulemaking. Plans for this overall revision of Part 34 include an initial solicitation of comments and identification of the issues to be addressed from NRC Regions, Agreement States, and the CRCPD. A task force of staff from RES, NMSS, and GPA will evaluate the comments and issues prior to initiating rulemaking. It is estimated that 2-3 months will be required for these activities, after which rulemaking will be initiated and a schedule will be established.

Unless directed otherwise by the Commission, I plan to have the staff initiate such revision of Part 34. SECY, please track.

Original Signed By  
 James M. Taylor

James M. Taylor  
 Executive Director  
 for Operations

Enclosures:

- 1. Memo 2/15/91;  
 S. Chilk to J. Taylor
- 2. Memo 1/03/91;  
 R. Bernero to E. Beckjord

cc: SECY  
 OGC  
 GPA

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 \*See previous concurrences

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*Concurred by phone*