

May 27, 1993

PDR
AE80-1

MEMORANDUM FOR: Bill M. Morris, Director
 Division of Regulatory Applications
 Office of Nuclear Regulatory Research

FROM: Frank J. Congel, Director
 Division of Radiation Safety
 and Safeguards
 Office of Nuclear Reactor Regulation

SUBJECT: CONCURRENCE PACKAGE ON INITIATION OF
 RULEMAKING -- AMENDMENTS TO 10 CFR PARTS
 19 AND 20

We have reviewed an advance copy of the concurrence package for the "Initiation of Rulemaking - Amendments to 10 CFR Parts 19 and 20 to delete controlled area, to apply occupational dose limits to workers, and to revise criteria on when radiation protection training is required." We see a number of problems with this package, including statements that may not be true and the inclusion of the precise wording, which has not yet been agreed upon, for the proposed amendments.

I suggest our respective staffs meet to discuss the problems and means for resolving them. Jay Cunningham will contact Don Cool next week to arrange for such a meeting. NMSS will also be invited.

Robert A. Erickson for
 Frank J. Congel, Director
 Division of Radiation Safety
 and Safeguards
 Office of Nuclear Reactor Regulation

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20565

DIVISION OF INDUSTRIAL AND MEDICAL NUCLEAR SAFETY

FAX NO. 301-504-2620

1. CHARLENE Raddatz OF RESEARCH
 FAX #: 492-3866 PHONE: 4
2. _____ OF _____
 FAX #: _____ PHONE: _____
3. _____ OF _____
 FAX #: _____ PHONE: _____
4. _____ OF _____
 FAX #: _____ PHONE: _____
5. _____ OF _____
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COMMENTS/DIRECTIONS:

*Alan -
NMSS changes
to Part 20 Rule -
apparently, Bernero
has concurred w/ these
changes -*

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FROM: CATHERINE Haney PHONE: 504-2628

considered a "restricted area" and subject to all the attendant Part 20 requirements.

Under the current Part 20 definition, an individual who is occupationally exposed yet never enters a restricted area, requires no training concerning radiation protection. Some licensees have interpreted the definition of occupational dose to mean that an individual is occupationally exposed only when in a restricted area. This, too, was not the intent of the rule. While not unique to the revised rule, this problem has come to light now because of the focus by licensees on compliance with new requirements. By eliminating the phrase "in a restricted area" from the definition of occupational dose, this confusion can be eliminated. In addition, "radiation and/or radioactive material" should replace "radiation and radioactive material" to correct a technical error in the rule text. With these changes, occupational dose would then become dose received as a result of an individual's employment which involves exposure to radiation and/or radioactive material, as was intended by the revised rule.

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2. The necessity and urgency of addressing the issue:

Licensees, headquarters staff, regional staff, and agreement States have advised the staff that these definitions are ^{misleading} confusing. ^{Conflicting definitions} This confusion needs to be addressed ^{before} ~~and doing so~~ by the mandatory implementation date of the revised Part 20 (January 1, 1994) ^{in order to} ~~will~~ facilitate its smooth and efficient implementation. Moreover, the staff has found it difficult to use the revised rule to provide satisfactory answers to questions posed by the public

These changes would also make it clear that a member of the public cannot be permitted to exceed the public dose limit just by entering a restricted area.

Subject to your approval, I plan to initiate a high priority rulemaking to delete the definition of "Controlled area" and make appropriate conforming revisions where the term is used in the revised Part 20. The statement of considerations will make it clear that licensees have the option of controlling access to areas for reasons other than radiation protection. In addition, the rulemaking would revise the definition of "Occupational dose" to delete reference to the "Restricted area" so that the occupational dose limit and its associated provisions, such as training and badging requirements, would apply to an individual who was engaged at any time in activities that are licensed by the Commission, controlled by the licensee, and involve exposure to radiation and/or to radioactive material. Section 19.12, "Instruction to Workers," will be revised so that training commensurate with the hazards present will be provided to all persons who will be occupationally exposed rather than just to individuals who will be working in or frequenting any portion of a restricted area.

I believe that these changes will remedy considerable confusion associated with the revised Part 20 and will not have an adverse impact on the health and safety of workers or the public. Removing the implied requirement to establish Controlled areas, and simplifying the definition and administration of occupational dose is considered to be a reduction of burden, will require no new procedures, and is thus not a backfit subject to the backfit rule. I believe that this rule would be most useful if it is published in final form prior to January 1, 1994, which is the date when all licensees must implement the revised 10 CFR Part 20. I also believe that this action falls within the EDO's jurisdiction to authorize publication. The enclosed schedule reflects these assumptions.

Eric S. Beckjord, Director
Office of Nuclear Regulatory Research

Enclosures:

- 1. Justification for Rulemaking
- 2. Regulatory Agenda Entry

*SEE PREVIOUS CONCURRENCES

For distribution see next page.

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