



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20585-0001

January 10, 1994

MEMORANDUM FOR: The Chairman
Commissioner Rogers
Commissioner Remick
Commissioner de Planque

FROM: James M. Taylor
Executive Director For Operations

SUBJECT: FOLLOW-UP INFORMATION ON IMPLEMENTATION OF REVISED PART 20
BY THE AGREEMENT STATES

The revision to 10 CFR Part 20 was published as a final rule in May 1991. The Agreement States have been aware since then that, as a matter of compatibility, they would be required to adopt equivalent rules to be effective on or before January 1, 1994. Several letters on the subject have been sent to the States, the latest on November 8, 1993, requesting the States to provide a timetable with major milestones for the remaining steps leading to adoption of the new rules. The States were to respond by December 6, 1993.

Office of State Programs (OSP) staff has been tracking the responses of the States as indicated in the memorandum dated November 24, 1993. Responses were received from all 29 of the Agreement States, however, three States provided only verbal responses through the Regional State Agreements Officers (RSAO). A summary of the responses is attached.

Based on the responses and follow-up information, 18 Agreement States had rules equivalent to revised Part 20 in effect on January 4, 1994. Of the 11 States that did not, six were on schedules to have rules effective between January 5 and March 31, 1994. All Agreement States were expected to have permanent new rules effective by July 15, 1994.

Three States adopted interim rules on an emergency basis, and three others were seeking to adopt emergency rules in the first week of the year. The emergency rules will remain effective for periods of 120 days to one year, with extensions possible in some States, if needed. All six of these States will eventually need to complete the adoption of permanent rules.

As indicated in the November memorandum, OSP will continue to track the progress of the States that do not have effective rules. In addition, OSP will track the adoption of permanent rules by those States that adopt interim emergency rules. OSP will request progress reports by States without effective permanent rules starting in February.

January 10, 1994

Based on the information provided by the States, staff no longer believes it to be desirable to write the Governor of a State solely because the State's schedule for promulgation extends beyond March 1, 1994. Staff believes the schedules submitted reflect a concerted, good faith effort by the States to adopt the rules, considering the actual circumstances in each State.

DSP will request verbal notification be given to the RSAOs or the Headquarters contact whenever a State completes or misses a scheduled major milestone. For those States that experience significant slippage from the schedule provided, a letter to the Governor expressing NRC's concern will be prepared. The letter will indicate that the State regulations are not compatible with the basic radiation standards of NRC and the other Agreement States, and will request that the Governor provide whatever assistance to the State program as may be practicable so that the new standards may be adopted. The letter will be prepared for the signature of the Chairman.

Original signed by
James M. Taylor

James M. Taylor
Executive Director
for Operations

Attachment:
As stated

cc: SECY
OGC
OCA
OPA

Agreement States Adoption of Part 20

1/04/94

SUMMARY:

Number of States that have adopted rules 18
Number expected to adopt rules effective by 3/31/94 6
Number expected to adopt rules effective after 4/01/94 5
* Number that have, or plan to, adopt as emergency (interim) rules 6

STATUS:

----- REGION I -----

Maine	Final rules adopted effective 1/01/94
Maryland	Draft rules are under review at the departmental level. Remaining steps: legal review, publication and adoption. Estimated effective date of the rules: 4/10/94
New Hampshire	Draft rules were scheduled to be formally proposed on January 3rd. Steps to adoption include publication of the draft rules, public hearing, certification review, adoption. Estimated effective date of the rules: 4/15/94
New York City Health ¹	Draft rules are being reviewed in house. Remaining steps: legal review, Board of Health 1st approval, public comment period, Board final approval, publication. Estimated effective date of the rules: 3/31/94
New York State Environment ¹	Public comment period closed. Remaining steps: Environmental Board approval, publication. Estimated effective date of the rules: 3/01/94
New York State Health ¹	Rules have been submitted for signature by State Health Commissioner. Adopted on signing. Estimated effective date of the rules: 1/01/94 ²
New York State Labor ¹	Draft rules have been prepared for comment. Steps: publish as draft, 45-day comment period with public hearing, publish as final rule. Estimated effective date: 4/06/94

¹ The four New York programs are counted as one state in the summary

² Due to inclement weather, program officials could not be contacted to confirm the adoption

Rhode Island

Emergency rules adopted effective 1/01/94 pending the adoption of permanent rules. Estimated effective date of the final rules: 3/01/94

----- REGION II -----

Alabama

Emergency rules adopted 12/15/93, effective 12/21/94 for 180 days

Florida

Final rules adopted effective 1/01/94

Georgia*

Emergency rules adopted 12/08/93, effective 1/01/94 for 120 days

Kentucky

Program is seeking to adopt as emergency rules pending the adoption of permanent rules. Emergency rulemaking is under legal review, may be completed at any time.

Mississippi

Final rule adopted effective 1/01/94

North Carolina

Final rule adopted effective 1/01/94

South Carolina

Final rule adopted effective 1/01/94

Tennessee

Final rule adopted effective 1/02/94

----- REGION III -----

Illinois

Final rule adopted effective 1/01/94

Iowa

Final rule adopted effective 1/01/94

----- REGION IV -----

Arkansas

Final rule adopted effective 1/01/94

Colorado*

Final rule adopted effective 1/01/94

Kansas

Rule has been published for public comment. Remaining steps: public hearing, adoption, publication as adopted rules. Estimated effective date of the final rules (45 days after last publication): 2/28/94

* State responded verbally through the RSAO to A/S letter 93-128

Louisiana	Final rule adopted effective 11/20/93
Nebraska - Dept of Health	The proposed rules have been approved by the advisory board. Remaining steps: public hearing, legal review, certification and adoption. Estimated effective date of the final rules: 4/01/94
New Mexico	Rules are being drafted. Steps to adoption: Approval by the Radiation Technical Advisory Council, approval by the Environmental Improvement Board, publication for comment, public hearing, final approval by the Board and formal filing. Estimated effective date of the final rules: 7/13/94
North Dakota	Rules have been submitted for final legal review. Steps remaining: adoption by State Health Council, publication, effective 30 after publication. Estimated effective date of the final rules: 3/01/94
Texas Department of Health ²	Final rule adopted effective 1/01/94
Texas Natural Resources ²	Final rule adopted effective 12/29/93
Utah	Final rule adopted effective 11/09/93

----- REGION V -----

Arizona	Program is seeking to adopt as emergency rules pending the adoption of permanent rules. Emergency rulemaking is under legal review, may be completed at any time.
California*	Program is seeking to adopt as emergency rules pending the adoption of permanent rules. Emergency rulemaking is under legal review, may be completed at any time.
Nevada	Final rule adopted effective 1/01/94
Oregon	Rules are being drafted. Steps to adoption include: publication for comment, public hearing, file final rules. Estimated effective date of the final rule (15 days after filing): 3/15/94
Washington	Final rule adopted effective 1/04/94

* State responded verbally through the RSAO to A/S letter 93-128
² The two Texas programs are counted as one State in the summary