



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

May 10, 1994

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

FROM: James M. Taylor
Executive Director For Operations

SUBJECT: UPDATE INFORMATION ON IMPLEMENTATION OF REVISED PART 20 BY
THE AGREEMENT STATES

The Office of State Programs (OSP) staff has been tracking the progress of the Agreement States in adopting regulations equivalent to revised 10 CFR Part 20 (equivalent regulations). My January 10, 1994, memorandum to the Commission reported the progress up to that time. This provides information on the progress since then.

Based on the sum of information provided by the States to date, 21 have equivalent regulations in effect. Of the other eight, five expect to have their equivalent regulations in effect by about June 1, 1994. Maryland, New Mexico and New York (the New York City Department of Health program) are the three States that now expect to complete the adoption of equivalent regulations after July 1, 1994. All three expect, however, to have equivalent regulations in effect by the end of July, 1994.

Please note that the information in the January memorandum for the State of Alabama was incorrect. The errors were pointed out by state officials and are corrected in the attached.

More than minor slippage (greater than 30 days) in the previously provided schedules has occurred in six programs, Oregon, Maryland, Nebraska, Kansas, New York City Health and Arizona. Two other programs (New Hampshire and New York State Department of Labor) have experienced slippage of about 30 days.

The Oregon delay of 45 days resulted primarily from granting a 30 day extension to the comment period which was requested at the public hearing on February 22, 1994. Oregon still projects adopting equivalent regulations by about May 20. The Maryland schedule has slipped about 75 days, in part because of reassignments in the State legal staff after the settlement of the NPI lawsuit. The Maryland equivalent regulations are currently under review by the State Attorney General's Office.

Nebraska has slipped about 60 days from their original schedule, while Kansas and New York City Health have slipped about 90 days each. In all cases it appears that the slippage is due to unanticipated delays needed to revise the draft rules.

In the case of Arizona, the denial of certification by the State Attorney General for the proposed emergency rules results in a slippage of about 120 days for having effective rules of any type. However this action does not affect the process of adopting permanent rules, which remains approximately on schedule.

Based on this information, there is no need at this time for the Commission to express concern to the Governors. State Programs staff will continue to track this subject and provide further updates.

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

5/02/94

SUMMARY:

Number of States with effective equivalent regulations	21
Permanent rules	19
Emergency rules	2
Number of States that expect to adopt rules effective by 6/01/94	5
Number that expect to adopt rules effective after 6/01/94	3

STATUS:

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

Maine	Final rules adopted effective 1/01/94
Maryland	Draft rules have been published for public comment and submitted for NRC review. There has been a slip of about 75 days in the schedule. New estimated effective date: sometime in 7/94
New Hampshire	Draft rules have been published for public comment and submitted for NRC review. There has been a slip of about 30 days in the schedule. New estimated effective date: 5/15/94
New York City Health ¹	Draft rules have been published for public comment and a public hearing scheduled. There has been a slip of about 90 days. New estimated effective date: 7/15/94
New York State Environment ¹	Final rules adopted effective 3/24/94
New York State Health ¹	Final rules adopted effective 2/16/94
New York State Labor ¹	A public hearing was held 3/22/94, a slip of about 30 days. There were no significant comments. New estimated effective date. 5/31/94
Rhode Island	Final rules adopted 3/15/94, effective 4/04/94

¹ The four New York programs are counted as one state in the summary
REDLINE indicates information which has changed since the 1/10/94 report

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

Alabama	Final rules adopted 12/15/93, effective on that date.
Florida	Final rules adopted effective 1/01/94
Georgia	Final rules adopted 2/23/94, effective 3/16/94
Kentucky	Emergency rules adopted 1/26/94, effective 1/26/94
Mississippi	Final rules adopted effective 1/01/94
North Carolina	Final rules adopted effective 1/01/94
South Carolina	Final rules adopted effective 1/01/94
Tennessee	Final rules adopted effective 1/02/94

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

Illinois	Final rules adopted effective 1/01/94
Iowa	Final rules adopted effective 1/01/94

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

Arkansas	Final rules adopted effective 1/01/94
Colorado	Final rules adopted effective 1/01/94
Kansas	Rules are being reviewed at the Department of Administration, will go next to the Attorney General for final legal review. New estimated effective date: 6/01/94
Louisiana	Final rules adopted effective 11/20/93

----- REGION IV (continued) -----

Nebraska - Dept of Health	The proposed rules are undergoing legal review. Remaining steps: certification and adoption. New estimated effective date of the final rules: 5/01/94
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	Final rules adopted effective 3/01/94
Texas Department of Health ¹	Final rules adopted effective 1/01/94
Texas Natural Resources ¹	Final rules adopted effective 12/29/93
Utah	Final rules adopted effective 11/09/93

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

Arizona	Emergency rulemaking was rejected by the State Attorney General. The RCP is progressing with the regular adoption of final rules. New estimated effective date: 6/01/94
California	Emergency rules adopted effective 3/03/94
Nevada	Final rules adopted effective 1/01/94
Oregon	Rules published for comment and submitted to NRC for review. There has been a slip of about 45 days in the schedule. New estimated effective date: 5/20/94
Washington	Final rules adopted effective 1/04/94

¹ The two Texas programs are counted as one State in the summary
REDLINE indicates information which has changed since the 1/10/94 report