

A F F I R M A T I O N V O T E

R E S P O N S E S H E E T

RELEASED TO THE PDR

8/24/92
date

initials

TO: SAMUEL J. CHILK, SECRETARY OF THE COMMISSION

FROM: COMMISSIONER CURTISS

SUBJECT: SECY-92-266 - FINAL RULE TO EXTEND THE
IMPLEMENTATION DATE OF REVISED 10 CFR PART
20, "STANDARDS FOR PROTECTION AGAINST
RADIATION"

APPROVED X DISAPPROVED ABSTAIN

NOT PARTICIPATING REQUEST DISCUSSION

COMMENTS:

See edits

260069

RELEASE VOTE ✓

WITHHOLD VOTE

John R. Utter
SIGNATURE

8-6-92

DATE

ENTERED ON "AS" YES ✓ No

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PDR COMMS NRCC
CORRESPONDENCE PDR

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published in final form by December 31, 1991. Unfortunately, difficulties arose with the publication of the final rule because of the need to satisfy the legal and procedural requirements necessary to accommodate concurrent enforcement of both the existing requirements contained in 10 CFR Part 20, as well as the new standards for protection against radiation contained in Sections 20.1001-20.2401. Because of these problems and the need to revise the numbering system and implementation sections accordingly, the final rule was not published until May 21, 1991 (56 FR 23360). ~~Consequently~~ ^{9T} there was ^{also} a corresponding delay in the development and publication of the regulatory guides.

On October 16, 1991, the Nuclear Management and Resources Council (NUMARC) requested that the Commission extend the date for implementation of the revised 10 CFR Part 20 from January 1, 1993, to January 1, 1994. NUMARC's basis for this request was that the regulatory guides associated with the rulemaking had not been completed as indicated at the time the final rule was published. On October 24, 1991, and November 22, 1991, similar requests were filed by the Yankee Atomic Electric Company (YAEC) and the National Organization of Test, Research and Training Reactors (TRTR). In a letter dated December 12, 1991, NUMARC provided additional information regarding its position on the availability and importance of certain regulatory guidance documents to the implementation process of the final rule.

The Commission's discussion of the need for regulatory guidance, published as part of the Statement of Considerations, Section IV, "Need for Additional Regulatory Guides" in the final rule, recognized that the incorporation of many new concepts into Part 20 would require additional guidance and explanation of their application to practical problems in

radiation protection. The discussion also included a listing of some of the guides that were being developed or revised, although no measure of importance or priority was provided with the listing. The December 12, 1991, letter stated NUMARC's position on the availability and importance of certain regulatory guides to the implementation process for the revision of 10 CFR Part 20.

In response to the additional information provided by NUMARC and in consideration of the topics to be addressed, the NRC evaluated ~~and prioritized~~ the regulatory guides which were under development and determined which guides would be specially useful for implementation of the revision. Regulatory guides covering new requirements or new concepts in the revised standards for protection against radiation, have been issued in final form. X

Comments on the Proposed Rule

The Commission received thirty-four (34) letters commenting on the proposed rule.

The majority of commenters stated agreement with the proposed rule, indicating that the additional time was needed to effectively implement the revisions to 10 CFR Part 20. Many commenters were in favor of concurrent adoption of the rule by NRC licensees and Agreement States. However, several utilities, while indicating agreement with industry on delaying the rule stated that a delay would result in additional costs by extending the implementation effort for an additional year and emphasized that regulatory guidance should be available to support early implementation on January 1, 1993.