

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule will not have a significant economic impact upon a substantial number of small entities. The amendments apply to all NRC and Agreement State licensees. Because these amendments only clarify, restore, and conform existing requirements to the 1991 version of Part 20, they are considered to have no significant economic impact on any large or small entities.

Backfit Analysis

Because 10 CFR Parts 19 and 20 apply to all NRC licensees, any proposed changes to these parts must be evaluated to determine if these changes constitute backfitting for reactor licensees such that the provisions of 10 CFR 50.109, "Backfitting," apply. These requirements apply to the rule only to the extent the changes affect reactor licensees. That evaluation follows.

The final rule consists of six changes: (1) Modification of the training requirement contained in 10 CFR 19.12; (2) deletion of the phrase "in a restricted area" contained in the definition of occupational dose; (3) revision of the definition of "Public dose" so that it applies to dose to the public from sources under the control of the licensee; (4) revision of the definition of "Member of the public" so that it includes anyone who is not receiving an occupational dose; (5) revision of § 20.2104(a) so that prior dose must be determined for anyone who is likely to require monitoring; and (6) retaining a requirement in Part 20 so that known overexposed individuals receive copies of any reports of the overexposure that are required to be submitted to the NRC.

The change to 10 CFR 19.12 is consistent with the revised definition of occupational exposure. Because occupational dose is to be based upon the individual's activities involving radiation and/or radioactive materials, rather than the location of the work (e.g., restricted area), a conforming change in Part 19 is needed to ensure that workers who receive an occupational dose are appropriately trained regardless of the physical location where the work is performed. This is also needed so that members of the public, such as delivery persons, who occasionally enter a restricted area will not be required to receive occupational training merely because they enter a restricted area when their potential exposures do not exceed the 100 mrem (1 mSv) public dose limit and

their activities, therefore, would not subject them to any significant risk.

The NRC staff believes that the impact of the change to 10 CFR Part 19.12 is negligible for 10 CFR Part 50 licensees, given that the expected numbers of additional occupationally exposed individuals requiring training is small relative to the number of workers already receiving training at these facilities and compared to the number who will no longer require training only because they enter a restricted area. In any case requiring training of additional workers who do not enter a restricted area but who are exposed to radiation in excess of the 100 mrem (1 mSv) in a year is considered as providing a substantial improvement in safety for those individuals. Since the training would address ALARA and measures to reduce exposure, this training would assist those workers in controlling risk. Given the overall reduction in training and the fact that the additional trained workers will experience a significant improvement in safety, this change is justified under 10 CFR 50.109.

The deletion of the phrase "in a restricted area or," contained in the definition of occupational dose is to ensure that the Commission's intent to apply the dose limits of 10 CFR 20.1301 to members of the public regardless of their physical location, is properly implemented. Currently, only occupationally exposed individuals are subject to the higher occupational dose limits and just because a member of the public is permitted entry into a restricted area does not mean that he or she should be allowed to receive an occupational dose and exceed the public dose limit. For this reason, the reference to a restricted area is removed from the definition of occupational dose.

The staff believes that designating employment and assigned duties as criteria for determining that exposure is occupational will have little impact on Part 50 licensed operations, other than to make it even more unlikely that members of the public will be subject to occupational dose limits.

Changing the definition of "Public dose" so that it is not dependent on where an individual is, and so that licensees are responsible for doses to the public only from effluents and from sources under their control, adds no significant burden to Part 50 licensees. This change is consistent with the changes to "Occupational dose" and is considered clarifying.

Revising the definition of "Member of the public" is conforming with the revised definition of "Occupational dose," and makes it clear that a member

of the public does not become a worker just by entering a restricted area. This change has no significant impact on Part 50 licensees.

The requirement to determine prior dose is changed so that the possibility of entering a restricted or controlled area is no longer a condition. Prior dose determination is only required if an individual is likely to receive, in a year, an occupational dose requiring monitoring, which is not a change. This change is considered to have little impact on Part 50 licensees.

The addition of 10 CFR 20.2205, "Reports to individuals of exceeding dose limits" is considered to be the restoration of a previous requirement. The provisions of 10 CFR 20.409(b) required licensees to notify an individual worker or member of the public whenever a report to the NRC is required regarding an exposure of the identified individual. This requirement was inadvertently omitted from the revised standards published on May 21, 1991, (56 FR 23360).² Although few incidents occur that involve exposure of a member of the public in excess of dose limits, restoring this provision to Part 20 will ensure that licensees are aware of their obligation to notify members of the public as well as workers if, and when, they are required to submit a report to the NRC of an occurrence that identifies that individual as having received an overexposure. If an assessment, analysis or evaluation of an exposure incident is provided to the NRC then it must also be provided to the identified individual.

The NRC believes that these changes to 10 CFR Part 20 will have some, albeit minor, impacts on reactor licensees. Licensees who have implemented the revised standards, or who have written procedures to do so, will need to revise those procedures to reflect the changes. Benefits such as simplifying the use of occupational and public dose designation, making it clear that only workers can receive occupational dose, relating training requirements to the likelihood of receiving occupational exposure and ensuring that overexposed individuals are notified, are considered by the NRC to far outweigh the impacts. However, these benefits are qualitative in nature, and are expressed in terms of reduced uncertainty in regulatory requirements, clarity of regulatory intent, and consistency of regulatory approach. Thus, the NRC believes that the modifications are not backfits.

² See also 10 CFR 19.13(d) when a licensee is required to report to the Commission any exposure of an individual to radiation or radioactive material, the licensee must also provide the individual a report on their exposure data.