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OFFICE OF THE SECRETARY  
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December 23, 1996

Mr. John C. Hoyle  
Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

DOCKET NUMBER  
PROPOSED RULE **PR** 20,32 et al  
(61 FR 52388)

**SUBJECT:** Proposed Rule: Minor Corrections, Clarifying Changes, and  
a Minor Policy Change to 10 CFR Parts 20, 32, 35, 36, 39  
(61 Fed. Reg. 52388 -- October 7, 1996)

This letter provides comments by the Nuclear Energy Institute (NEI)\* on behalf of the nuclear energy industry in response to the subject notice. The industry appreciates the opportunity to provide input on this proposed rule.

NEI believes that many of the proposed changes support the intent of the rulemaking to "achieve greater clarity and to further facilitate implementation" of NRC radiation protection regulations. The proposed minor change in policy regarding monitoring of occupational dose to minors and declared pregnant women will improve consistency with definitions and requirements regarding dose to members of the public. This change will also help to reduce unnecessary and unjustified burden on licensees, while maintaining the current adequate level of protection of health and safety of minors and declared pregnant women. We strongly urge the NRC to retain this proposed change in the final rule.

Revising Part 20 to specify that written declaration of pregnancy would be given by the worker to the licensee will help facilitate the taking of timely and appropriate protective actions by the licensee. Clarifying the duration of applicability of monitoring requirements for declared pregnant women as the 9-month gestation period reflects common sense and may result in minor burden reduction for some licensees. In conjunction with issuing the final rule, we suggest that the NRC provide supplementary information clarifying that, for compliance purposes,

\*NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory aspects of generic operational and technical issues. NEI members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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determining that a declared pregnant "is no longer pregnant" is a matter of judgment on the part of the licensee using reasonable assumptions and available information.

NEI supports the intent of the NRC to minimize implementation burden on licensees by recognizing use in the rule of either "airborne radioactivity area" or "airborne radioactive material area." We believe similar reduction in implementation burden can be achieved by applying this approach to some of the other proposed rule changes. We recommend modifications to the proposed changes to definitions in Part 20 to be issued in the final rule as "airborne radioactive material area (or airborne radioactivity area) means. . ." and "lens dose equivalent (or eye dose equivalent) applies to. . ." This will provide necessary flexibility to licensees to implement these minimal changes in terminology in a time and manner commensurate with the significance to their specific program and circumstances.

NEI recommends that Section 20.1003, "Definitions," be revised to clarify that the *total effective dose equivalent* is based upon and analogous to the *effective dose equivalent*. This change will enhance the effectiveness of the final rule because it helps accomplish the purpose of the original revision to Part 20 (56 *Fed. Reg.* 23360 -- May 21, 1991): "to put into practice recommendations from [International Commission on Radiological Protection - ICRP] Publication 26" and "to implement the 1987 Presidential guidance on occupational radiation exposure." The ICRP recommendations and Presidential guidance are based on the concept of the effective dose equivalent. We suggest wording as follows: "*Total effective dose equivalent* (TEDE) means the sum of the effective dose equivalent or deep-dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

The suggested wording (above) will improve the internal consistency and practicality of the rule. Footnote 2 to the Section 20.1003 definition of *Weighting Factor* provides that the "use of other weighting factors for external exposure will be approved on a case-by-case basis. . ." It is not clear that such NRC-approved weighting factors could be implemented by licensees under the current wording in Part 20 defining *total effective dose equivalent*. Therefore, a change to Part 20, as suggested above, is necessary to clarify and facilitate implementation of the rule, the stated goals of the proposed rulemaking.

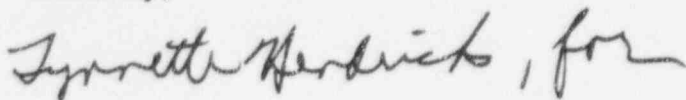
The regulatory analysis accompanying the proposed rule states, "[t]he proposed rulemaking would not impose any additional costs on licensees. . ." We do not agree. Several Part 50 licensees have reviewed costs to make changes to procedures, training, software, etc., that would be required to implement the rule. The preliminary estimates of implementation costs developed from these reviews range from \$12,000 to \$20,000 per reactor site. Sound regulatory policy dictates

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that NRC more carefully consider and justify the resource burden of the proposed rule. However, it is our assessment that overall, the rule changes will generally be of sufficient benefit to licensees to justify the costs. We, therefore, support promulgation of the proposed rule, taking our comments into account.

If you have questions concerning the enclosed comments, please contact me at (202) 739-8111.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynette Herdicks, for".

Ralph Andersen

RLA/tnb