IMPORT ASSESSMENT TABLE—Continued

[Raw cotton fiber]

HTS classification	Conversion factor	Cents/ kg.
6302222010	0.4091	0.4884
6302222020	0.4091	0.4884
6302313010	0.8182	0.9768
6302313050	1.1689	1.3954
6302315050	0.8182	0.9768
6302317010	1.1689	1.3954
6302317020	1.1689	1.3954
6302317040	1.1689	1.3954
6302317050	1.1689	1.3954
6302319010	0.8182	0.9768
6302319020	0.8182	0.9768
6302319040	0.8182	0.9768
6302319050	0.8182	0.9768
6302322020	0.4091	0.4884
6302322040	0.4091	0.4884
6302402010	0.9935	1.186
6302511000	0.5844	0.6977
6302512000	0.8766	1.0465
6302513000	0.5844	0.6977
6302514000	0.8182	0.9768
6302600010	1.1689	1.3954
6302600020	1.052	1.2559
6302600030	1.052	1.2559
6302910005	1.052	1.2559
6302910015	1.1689	1.3954
6302910025	1.052	1.2559
6302910035	1.052	1.2559
6302910045	1.052	1.2559
6302910050	1.052	1.2559
6302910060	1.052	1.2559
6303110000	0.9448	1.1279
6303910000	0.6429	0.7675
6304111000	1.0629	1.2689
6304190500	1.052	1.2559
6304191000	1.1689	1.3954
6304191500	0.4091	0.4884
6304192000	0.4091	0.4884
6304910020	0.9351	1.1163
6304920000	0.9351	1.1163
6505901540	1.181	1.4099
6505902060	0.9935	1.186
6505902545	0.5844	0.6977

* * * * *

Dated: July 7, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95–17195 Filed 7–12–95; 8:45 am]

BILLING CODE 3410–02–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 19 and 20

RIN 3150–AE80

Radiation Protection Requirements: Amended Definitions and Criteria

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to revise the radiation protection training requirement so that it applies to workers who are likely to receive, in a year, occupational dose in excess of 100 mrem (1 mSv); revise the definition of ''Member of the public'' to include anyone who is not a worker receiving an occupational dose; revise the definition of ''Occupational Dose'' to delete reference to location so that the occupational dose limit applies only to workers whose assigned duties involve exposure to radiation and not to members of the public; revise the definition of ''Public Dose'' to apply to dose received by members of the public from material released by a licensee or from any other source of radiation under the control of the licensee; assure that prior dose is determined for anyone subject to the monitoring requirements in 10 CFR part 20, or in other words, anyone likely to receive, in a year, 10 percent of the annual occupational dose limit; and retain a requirement that known overexposed individuals receive copies of any reports of the overexposure that are required to be submitted to the NRC. This change highlights a requirement which requires licensees to inform members of the public that they have been overexposed. These amendments are necessary to clarify criteria that determine when radiation protection training is required and to restore a notification requirement.

EFFECTIVE DATE: August 14, 1995.

FOR FURTHER INFORMATION CONTACT: Alan Roecklein, Office of Nuclear Regulatory Research, Mail Stop T–9 C24, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6223.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 1991 (56 FR 23360), the NRC amended 10 CFR part 20 to add its revised ''Standards for Protection Against Radiation'' (10 CFR 20.1001–20.2402). Compliance became mandatory for all licensees on January 1, 1994. Extensive discussions regarding interpretations and implementation of the new regulations resulted in a proposed rulemaking (February 3, 1994; 59 FR 5132), which would amend certain definitions and criteria in 10 CFR part 19 and the new 10 CFR part 20. As a result of public comments and further NRC staff discussions, the NRC is taking the following actions on the proposed changes.

The proposed rule would have revised § 19.12, Instructions to workers, so that training in radiation protection would be required of an individual, who in the course of employment had assigned duties involving the potential for exposure to radiation. This was intended to correct the current regulations that require radiation protection training for individuals who work in or frequent any portion of a restricted area. It is believed that the current rule may result in some workers not receiving training even though they may exceed public dose limits during assigned duties. Seven commenters objected to the phrase ''potential for'' exposure to radiation stating that it was vague and might require training for a large number of workers not currently being trained or receiving significant exposure. These same commenters requested use of the words ''likely to receive'' since it would be consistent with language in the § 20.1502 monitoring requirement, and all added suggestions for a threshold of 100 mrem (1 mSv) in a year. These comments were convincing and this final rule adopts the new training criterion as ''All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 mrem (1 mSv) shall be * * *.''

This approach clearly provides radiation protection training to workers whose assignments are likely to result in occupational exposure. Adoption of the 100 mrem (1 mSv) in a year criterion is believed to provide reasonable assurance that those workers that are likely to receive a small fraction of the occupational dose limit will be trained without resulting in an undue burden on licensees in providing training to workers. The rule does not prohibit licensees from providing training to workers who are not expected to exceed 100 mrem (1 mSv) in a year. General employee safety training required by Occupational Safety and Health Administration (OSHA) and others is not waived by this rule.

In addition, § 20.1101(b) requires that licensees adopt procedures and engineering controls to achieve occupational doses and doses to members of the public that are as low as is reasonably achievable (ALARA). Radiation protection training programs continue to be an important element of an ALARA program.

Training is an effective mechanism for helping to minimize radiation exposure to workers. Most workers who work in or frequent restricted areas are currently provided training on radiation safety issues. Typically, this training includes instruction on the procedures that would be used to minimize radiation exposure such as limiting time in certain areas and actions to be taken in the case of an accident. In addition,

individuals who enter areas to perform services such as maintenance or cleaning should be provided information on the location of radioactive material and should be instructed to avoid contact with radioactive material.

For interpretation of this rule, the words ''* * * likely to receive * * *'' include normal situations as well as abnormal situations involving exposure to radiation which can reasonably be expected to occur during the life of a licensed facility. For example, reactor licensees should consider both normal operations and anticipated operational occurrences (AOOs). AOOs can include, for example, unplanned onsite events involving spills of reactor coolant; sudden increases in external radiation levels (loss of shielding); and a loss of control of radioactive materials leading to a localized high airborne radioactivity area. However, reactors would not need to consider for the purpose of 10 CFR 19.12(b) those design basis accidents analyzed in FSARs which are not reasonably expected to occur but which are hypothesized or postulated for the purpose of establishing conservative design requirements for safety equipment.

The decision as to whether a specific worker is likely to receive in a year a dose in excess of 100 mrem (1 mSv) cannot be based solely on past experiences at a given facility or the exposure history of the individual. These decisions may need to take into account the impact training might have on maintaining exposures below 100 mrem (1 mSv) in a year for certain workers.

For example, certain workers such as janitors or maintenance workers who either frequent restricted areas or work in the vicinity of restricted areas, and are likely to receive doses in excess of 100 mrem (1 mSv) unless properly trained, should receive training sufficient to prepare them to avoid unnecessary exposure. On the other hand, clerical workers, who may work in restricted areas but whose duties are unlikely to involve direct interaction with radioactive material, are unlikely to receive doses in excess of 100 mrem (1 mSv) in a year, and for whom training would have no bearing on exposures, would not necessarily require training just because of the location of their work.

The final rule adds the following language to 10 CFR 19.12(b) to clarify that these situations would be included in the phrase ''likely to receive'': In determining those individuals subject to the requirements of paragraph (a) of this section, licensees must take into consideration assigned activities during normal and abnormal situations involving exposure to radiation and/or radioactive material which can reasonably be expected to occur during the life of a licensed facility. This clarification has been integrated with the existing requirement that the training should be commensurate with the potential health protection problems present in the workplace. Further, the format of § 19.12 is revised to clearly indicate the requirements for training which previously were combined in a single long paragraph.

The proposed rule would have deleted the definition of, and numerous references to, the ''Controlled Area.'' The intent was to make it clear that any area to which access is restricted for the purpose of radiological protection is a ''Restricted Area'' as defined in the regulation and thus appropriate radiation protection measures associated with restricted areas would apply. Neither the existing definitions nor the supplemental information to the new regulations provide a basis for deciding whether to designate a given area as a ''Restricted Area,'' or a ''Controlled Area,'' and there was a concern that some confusion had resulted regarding how to implement the new standards.

Deletion of ''Controlled Area'' was supported by three Agreement States and several materials licensees. However, six power reactor licensees and the Nuclear Energy Institute (NEI), argued that deletion of ''Controlled Area'' would constitute a major and costly backfit. The commenters stated that nuclear power plants have areas that sometimes exceed 2 mrem (0.02 mSv) in an hour, but to which access can easily be restricted so that no one can exceed 100 mrem (1 mSv) in a year. The power reactor licensees argued that to change written procedures and facilities to remove existing ''Controlled Areas'' would be costly. These licensees believed that using controlled areas permits better ''defense'' of restricted areas. Also, the utilities said that if unrestricted area boundaries were moved inward, power licensees could have difficulty monitoring occupancy and calculating effluent doses to demonstrate compliance with the public dose limits. The commenters stated that if restricted area boundaries were moved outward, the cost of applying unneeded radiation protection measures to large areas would be extensive. NEI stated that the cost per plant to delete the term ''Controlled Area'' now would be from 10 to 100 thousand dollars per plant with no significant benefit to health and safety.

The NRC agrees with the backfit argument. The concept of Controlled Area is not deleted from 10 CFR Part 20.

The proposed rule would have revised the definition of ''Public Dose'' so that a licensee was responsible for dose to any member of the public, from effluents or any other source of radiation under the control of the licensee, regardless of location. The current rule limits dose to a member of the public from radiation within a licensee's controlled area or in unrestricted areas, but permits member of the public to receive a dose up to the occupational limit within the licensee's restricted area. Public comment supported the proposed change and it is adopted in the final rule. The definition of ''Public Dose'' thus means the dose received by a member of the public from exposure to radiation and/or radioactive material released by a licensee, or to any other source of radiation under the control of a licensee. The change is consistent with the new definition of ''Occupational Dose,'' also made final by this rulemaking action, and eliminates the possibility that a member of the public could become subject to occupational dose limits simply by entering a restricted area. This change also makes it clear that licensees are not responsible for doses from sources not under their control. This change does not relieve a licensee from responsibility for, nor does it limit a licensee's flexibility in, determining whether individual doses received are occupational or public. Further guidance on this issue is provided in question and answer numbers 26 and 444 in NUREG/CR–6204,[1] ''Questions and Answers Based on Revised 10 CFR Part 20.''

The proposed rule included a revision to the definition of ''Member of the Public,'' so that an individual is a member of the public except when that individual is a worker receiving an occupational dose. Part 20 currently defines ''Member of the Public'' as an individual in a controlled or unrestricted area. This permits the radiation dose to a member of the public to be controlled by occupational dose limits rather than public dose limits solely because the individual entered a restricted area. The proposed change was supported by public comment and

[1] Copies of NUREGs may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013–7082. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. A copy is also available for inspection and/or copying at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

is adopted. This change further clarifies that a member of the public is limited to the public dose limit regardless of where the individual is located.

Section 20.2104(a), currently requires determination of prior occupational dose for each individual who may enter a licensee's restricted or controlled area and is likely to receive, in a year, an occupational dose requiring monitoring pursuant to § 20.1502. The final rule adopts the following change. Determination of prior dose will be required for any individual who is likely to receive, in a year, an occupational dose requiring monitoring, pursuant to § 20.1502. Thus, under the new regulations, prior dose determinations are based only on the likelihood of receiving significant occupational dose, not on where an individual may be located.

Before issuance of the revised standards for protection against radiation, § 20.409(b) provided that whenever a licensee is required to report to the Commission any overexposure of an identified individual worker or member of the public to radiation and/or radioactive material, the licensee must also notify that individual.[2] Although, it was the intent of the Commission that this provision remain in 10 CFR Part 20, the requirement was inadvertently omitted from the revised standards. Accordingly, § 20.2205 was proposed to clearly restore to 10 CFR Part 20, the requirement that individual workers and members of the public are to be notified of their exposure when such individuals receive doses in excess of the dose limits that would require notifying the NRC. This proposed addition was supported by public comment and is codified here. Under § 20.2205, the licensee's obligation to notify an individual will be triggered if (and only if) the licensee's required report to NRC identifies that individual by name as having received an exposure to radiation and/or to radioactive material. The licensee's obligation to identify individuals in a required report to the NRC is provided for in 10 CFR 20.2203. If an assessment, analysis or evaluation of an exposure incident is provided to the NRC then it must also be provided to the individual.

The proposed rule would have changed the definition of ''Unrestricted area'' to ''* * * any area that is not a restricted area.'' With retention of the ''Controlled area'' concept this change is not needed.

Changes were proposed to §§ 20.1301, 20.1302, 20.1801, and 20.1802 to accommodate the proposed deletion of the ''Controlled area'' term. These changes are not needed in view of the decision to retain ''Controlled Area,'' and are withdrawn.

Public Comments

Proposed revisions to 10 CFR Parts 19 and 20 were published on February 3, 1994 (59 FR 5132). The public comment period closed on April 4, 1994. Twenty-three letters of public comment were received. Comment letters were received from four Agreement States, seven nuclear utilities and an extensive commentary from the Nuclear Energy Institute (NEI) for the nuclear power industry. Two radiopharmaceutical manufacturers, two radiation protection services firms, three interested individuals, National Institute of Science and Technology (NIST), the Department of Veterans Affairs, the American Iron and Steel Institute, Continental Airlines and Columbia Gas responded to the proposed rule request for comment.

All of the Agreement States and Continental Airlines agreed in general with the proposed rule. The State of Texas suggested further revision of 10 CFR 20.1801, which states ''The licensee shall secure from unauthorized removal or access licensed materials that are stored in unrestricted areas.'' Texas would delete the words ''in unrestricted areas,'' arguing that materials can be stored in restricted areas as well. The NRC agrees but because other provisions for access control to restricted areas exist and are considered adequate to prevent unauthorized removal of sources, this suggestion is rejected.

Columbia Gas supported the proposed rule, but questioned the proposed wording of the training requirement in § 19.12. This commenter suggested adding the underlined words as follows: ''All individuals who in the course of employment with a licensee or a contractor to a licensee in which * * *.'' This suggestion is not included because many individuals, such as INPO and NRC representatives, often require training but are not employees or contractors to the licensee.

Both radiopharmaceutical firms, the Department of Veterans Affairs, the American Iron and Steel Institute, and a radiation protection service firm questioned basing training requirements on the ''potential'' for exposure. These commenters argued that this term was so vague that prudence would require training everyone. Each of these commenters suggested language consistent with the monitoring requirement in § 20.1502, ''individuals *likely to receive* exposure.'' In addition, the public dose limit of 100 mrem (1 mSv) in a year was suggested by several commenters as a threshold for training. These suggestions are incorporated into the final rule. The phrase ''likely to receive'' has been clarified in § 19.12(b) and in this statement of considerations.

NIST argued that removing the definition of ''Controlled Area'' while explicitly permitting its use in the statement of considerations, accomplishes little. NIST stated that although 2 mrem (0.02 mSv) in any hour is a boundary condition for the unrestricted area, the current regulations do not make it clear that a dose greater than 2 mrem (0.02 mSv) must be a boundary condition for the restricted area. NIST also stated that it is the public dose limit (100 mrem (1 mSv) in a year) that distinguishes a restricted area from an unrestricted area. NIST also stated that within the existing definition a restricted area is any area to which access is controlled for radiological purposes. Since the concept of a controlled area has demonstrated usefulness to certain types of licensees and does not affect the permissible dose to a member of the public the definition of ''Controlled Area'' is retained.

NIST objected to the proposed definition of ''Occupational dose'' on the grounds that it is vague and suggested that licensees should be required to specifically identify those individuals subject to occupational dose limits. NIST suggested adding a definition of a ''worker'' as someone subject to occupational dose limits. This suggestion is not added to the final rule because licensees must designate individuals as either occupationally exposed or members of the public. The NRC believes that the language in the definition of occupational dose makes it clear that only individuals designated by the licensee are subject to occupational dose limits.

A radiation protection service firm questioned the proposed definition of ''Occupational dose'' because it does not specify who assigns the individuals duties. The NRC believes that it is clearly the responsibility of licensees to control occupational dose and thus licensees must be directly or indirectly responsible for assigning individual duties.

This commenter also objected to deletion of the definition of ''Controlled Area'' because for many general licensees using sealed sources such as gauges, it serves as an intermediate area

[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.

between restricted and unrestricted areas where dose rates might exceed 2 mrem (0.02 mSv) in any one hour but where doses would not exceed l00 mrem (1 mSv) in a year. The commenter observes that installation of shielding and other dose reduction measures would be very costly for these licensees.

An individual commenter suggested that before the inclusion of the term ''Controlled Area,'' nuclear power plants had two kinds of restricted areas, (1) inside the site boundary for effluent and public dose control; and (2) a smaller area within the plant for occupational radiation protection. The term ''Controlled Area'' replaced the former and is used to control exposure to the public. This commenter suggested that deletion of the controlled area concept would create problems with respect to calculating effluent doses at the boundary of the smaller restricted area because of uncertainty in the uniformity of concentrations at distances close to the release point.

NEI supported by six nuclear utilities with comments, strongly opposed deletion of the term ''Controlled Area.'' These commenters contended that nuclear power plants are not having difficulty, nor is there any confusion, with implementing the new rules. Further, nuclear plants have extensive experience with the use of the term ''controlled area.'' The physical plant designs at nuclear plants make it practical to control access to controlled areas to assure compliance with public dose limits. Finally, the existence of a controlled area in many cases permits better control of access to restricted areas.

These commenters noted that removing the provision for controlled areas now would require extensive and costly changes in procedures and plant layout and would constitute a backfit. NEI estimated a cost of from 10 to 100 thousand dollars per plant just for changing procedures and training. Deleting controlled areas would require changing unrestricted area boundaries. This would result in problems with monitoring occupancy factors and calculating effluent concentrations in close proximity to release points to monitor public dose.

NEI, NIST and five nuclear utilities objected to the proposed criterion for training indicating that the ''potential for exposure'' language is vague. NEI estimated that this wording would add significantly to training costs (50 percent) with no decrease in dose. These commenters also suggested that training should be required for anyone likely to receive in a year an occupational dose in excess of 100 mrem (1 mSv).

As a result of its analysis of public comments, the NRC has decided that changes to the proposed rule are necessary. The definition of the term ''Controlled Area'' is retained but licensees are reminded that the dose limits for members of the public apply. The training requirement is revised so that workers who are likely to receive in a year, an occupational dose in excess of 100 mrem (1 mSv) shall receive training.

Agreement States

The amendments apply to all NRC licensees and are considered matters of compatibility for the Agreement States. The division classification for the changes are: the changes in definitions in § 20.1003 and the changes in § 20.2104 are considered Division I items; the change to § 19.12 is considered a Division II item; and the addition of § 20.2205 is considered a Division III item. The proposed changes had been discussed in June 1994, with Agreement State representatives and there was strong support for the proposed changes. Four States commented during the comment period and supported the proposed amendments. Subsequent to the comment period, the Organization of Agreement States submitted a letter that, among other things, presented that the Agreement States unanimously voted to oppose retention of the controlled area concept in 10 CFR Part 20. One of the primary reasons stated was because they found little value in adopting this provision for materials licensees. The NRC has decided to retain the definition of Controlled area, and since the designation of an area as controlled is optional for licensees it is considered to be a division III matter of compatibility. Use of the designation ''restricted area'' alone is sufficient to assure protection of individuals against undue risks from exposure to radiation and radioactive materials.

Finding of No Significant Environmental Impact: Availability

The NRC has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this rule will not be a major Federal action significantly affecting the quality of the human environment and therefore, an environmental impact statement is not required.

Changing the definition of ''Occupational dose'' to make it clear that individual's whose assigned duties involve exposure to radiation and radioactivity are subject to radiation protection procedures associated with occupational exposure and that members of the public cannot be permitted to receive doses that exceed public dose limits just by entering a restricted area is considered a benefit with no environmental impact. This change will have no effect on the type or quantity of material released into the environment and, if anything, will make it less likely for members of the public to be exposed to more than public dose limits.

Amending the radiation protection training requirements to clarify that they apply to individuals who are likely to receive, in a year, an occupational dose in excess of 100 mrem (1 mSv), regardless of whether they may or may not be within a restricted area, will result in no impact on the environment.

Adding § 20.2205 which clearly restores the requirement that individual workers and individual members of the public are notified that they have been exposed to radiation or radioactive material in excess of the dose limits whenever NRC is notified, will have no impact on the environment.

The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. Single copies of the environmental assessment and finding of no significant impact are available from Alan K. Roecklein, U.S. NRC, 11555 Rockville Pike, Rockville, MD 20852, (301) 415–6223.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval numbers 3150–044, 3150–0014, 3150–0005, and 3150–0006.

Regulatory Analysis

The NRC has prepared a regulatory analysis on this regulation. The analysis examines the costs and benefits of the alternatives considered by the NRC. The analysis is available for inspection in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. Single copies of the regulatory analysis are available from Alan K. Roecklein, U.S. NRC, 11555 Rockville Pike, Rockville, MD 20852, (301) 415–6223.

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.

List of Subjects

10 CFR Part 19

Criminal penalties, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements, Sex discrimination.

10 CFR Part 20

Byproduct material, Criminal penalties, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Source material, Special nuclear material, Waste treatment and disposal.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 19 and 20.

PART 19—NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS: INSPECTION AND INVESTIGATIONS

1. The authority citation for part 19 continues to read as follows:

Authority: Secs. 53, 63, 81, 103, 104, 161, 186, 68 stat. 930, 933, 935, 936, 937, 948, 955, as amended, sec. 234, 83 Stat. 444, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2236, 2282, 2297f); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841). Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851).

2. Section 19.12 is revised to read as follows:

§ 19.12 Instruction to workers.

(a) All individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 mrem (1 mSv) shall be—

(1) Kept informed of the storage, transfer, or use of radiation and/or radioactive material;

(2) Instructed in the health protection problems associated with exposure to radiation and/or radioactive material, in precautions or procedures to minimize exposure, and in the purposes and functions of protective devices employed;

(3) Instructed in, and required to observe, to the extent within the workers control, the applicable provisions of Commission regulations and licenses for the protection of personnel from exposure to radiation and/or radioactive material;

(4) Instructed of their responsibility to report promptly to the licensee any condition which may lead to or cause a violation of Commission regulations and licenses or unnecessary exposure to radiation and/or radioactive material;

(5) Instructed in the appropriate response to warnings made in the event of any unusual occurrence or malfunction that may involve exposure to radiation and/or radioactive material; and

(6) Advised as to the radiation exposure reports which workers may request pursuant to § 19.13.

(b) In determining those individuals subject to the requirements of paragraph (a) of this section, licensees must take into consideration assigned activities during normal and abnormal situations involving exposure to radiation and/or radioactive material which can reasonably be expected to occur during the life of a licensed facility. The extent of these instructions must be commensurate with potential radiological health protection problems present in the work place.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

3. The authority citation for part 20 continues to read as follows:

Authority: Secs. 53, 63, 65, 81, 103, 104, 161, 182, 186, 68 stat. 930, 933, 935, 936, 937, 948, 953, 955, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236), secs. 201, as amended, 202, 206, 88 stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

4. In § 20.1003, the definitions of ''Member of the public'' ''Occupational dose,'' and ''Public dose'' are revised to read as follows:

§ 20.1003 Definitions.

* * * * *

Member of the public means any individual except when that individual is receiving an occupational dose.[1]

* * * * *

Occupational dose means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation and/or to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee or other person. Occupational dose does not include dose received from background radiation, as a patient from medical practices, from voluntary participation in medical research programs, or as a member of the public.

* * * * *

[1] Except as delineated in other parts of 10 CFR chapter I.

Public dose means the dose received by a member of the public from exposure to radiation and/or radioactive material released by a licensee, or to any other source of radiation under the control of a licensee. It does not include occupational dose or doses received from background radiation, as a patient from medical practices, or from voluntary participation in medical research programs.

* * * * *

5. In § 20.2104, the introductory text of paragraph (a) is revised to read as follows:

§ 20.2104 Determination of prior occupational dose.

(a) For each individual who is likely to receive in a year, an occupational dose requiring monitoring pursuant to § 20.1502 the licensee shall—

* * * * *

6. Section 20.2205 is added to read as follows:

§ 20.2205 Reports to individuals of exceeding dose limits.

When a licensee is required, pursuant to the provisions of §§ 20.2203, 20.2204, or 20.2206, to report to the Commission any exposure of an identified occupationally exposed individual, or an identified member of the public, to radiation or radioactive material, the licensee shall also provide a copy of the report submitted to the Commission to the individual. This report must be transmitted at a time no later than the transmittal to the Commission.

Dated at Rockville, Maryland, this 30th day of June, 1995.

For the Nuclear Regulatory Commission.

James M. Taylor,

Executive Director for Operations.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1915 and 1926

RIN 1218–AB25

Occupational Exposure to Asbestos; Corrections

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Corrections to final rule.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is correcting the final asbestos standards published in the **Federal Register** on August 10, 1994 (59 FR 40964).