

of conforming amendments to the NRC's standards for protection against radiation. References to the former 10 CFR Part 20 were removed from the revised Part 20, and, in that process, certain requirements not intended to be removed were inadvertently deleted. This final rule reinstates those requirements to retain records generated under the previously existing provisions of Part 20 which were intended to remain in effect.

EFFECTIVE DATE: April 25, 1995.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: On May 21, 1991 (56 FR 23360), the Nuclear Regulatory Commission (NRC) published its revised standards for protection against radiation (10 CFR 20.1001-20.2401 and the associated appendices). The revised standards for protection against radiation incorporated scientific information and reflected changes in the basic philosophy of radiation protection that had occurred since the promulgation of the original regulations. The revisions conformed the Commission's regulations to the "Presidential Radiation Protection Guidance to Federal Agencies for Occupational Exposure" and to recommendations of national and international radiation protection organizations. The revised standards for protection against radiation became effective on June 20, 1991. However, NRC licensees were permitted to defer the mandatory implementation of these regulations until January 1, 1994.

On December 22, 1993 (58 FR 67657), the NRC published a final rule, effective on January 1, 1994, that removed or modified a number of provisions to reflect the effective date for NRC's revised standards for radiation protection. It has been determined that several requirements, scheduled for removal or modification by the December 22, 1993 rulemaking, should not have been removed or modified because they have continuing effect beyond the January 1, 1994, effective date for 10 CFR Part 20. Accordingly, the current action restores those requirements that were incorrectly modified or removed by the December 22, 1993, rulemaking.

Specifically, this action is necessary to clarify the Commission's intent in 10 CFR Part 20 to require that licensees

continue to retain the following records until the Commission terminates the pertinent license:

(1) Records of surveys which were required by the formerly applicable § 20.401(c)(2) (i), (ii), and (iii), such as records of the results of surveys to determine the external radiation dose in the absence of personnel monitoring data to ensure compliance with NRC regulations concerning the concentrations of radioactive materials in air (formerly applicable 10 CFR Part 20 Appendix B), and records of the results of surveys used to evaluate the release of radioactive effluents to the environment;

(2) Records used in the preparation of NRC Form 4, such as records of the individual's occupational exposure from former employers which were required by the formerly applicable § 20.102(c)(2);

(3) Waste shipment manifests and documentation of acknowledgement of receipt which were required by the formerly applicable §§ 20.311(d)(7), (e)(5), (f)(8), and (g)(2);

(4) Records of radiation monitoring which were required by the formerly applicable § 20.401(c)(1);

(5) Records of disposal into sanitary sewers, by land burial, and other approved disposals which were required by the formerly applicable § 20.401(c)(3).

2. In addition, this action is necessary to correct the reference to "appendices A, B, C, D, or F to §§ 20.1001-20.2401" to read "appendices B, C, D, or F to part 20" in § 20.1201 (d) and (e), § 20.1204(c)(3), (e)(i), and (h)(2), § 20.1302 (b)(2)(i) and (c), § 20.1502(b)(1), § 20.1703 (b)(1), (b)(2), and (d), § 20.1704, § 20.1902(e), § 20.1905 (a) and (b), § 20.1906(d), § 20.2003 (a)(2) and (a)(3)(i), § 20.2006 (a), (b), (c), and (d), § 20.2201 (a)(i), (a)(ii), and (b)(2)(ii), § 20.2203(d), and § 20.2204.

3. To be consistent with the ALARA definition found in § 20.1003, the word "practicable" is changed to read "practical" in §§ 20.1701, 20.1702, 20.1906(c), and Appendix F to Part 20.

4. Finally, in Appendix C to 10 CFR Part 20, Quantities of licensed material requiring labeling, the quantity for Carbon-14 is corrected to read "100" rather than "1000." This change corrects a typographical error.

These amendments are corrective in nature, restore provisions inadvertently deleted in prior amendments, and correct reference and typographical errors found in the aforementioned sections of the revised 10 CFR part 20 (December 22, 1993; 58 FR 67657). Because the opportunity for public

comment was previously provided for the changes which formed the basis for the December 22, 1993, amendments (May 21, 1991; 56 FR 23360 and August 26, 1992; 57 FR 38588), and because the proposed changes are minor corrective amendments, the NRC has determined that good cause exists to dispense with the notice and comment provisions of the Administrative Procedures Act (APA) pursuant to 5 U.S.C. 553(b)(B). For the same reasons, the NRC has determined that good cause exists to waive the 30-day deferred effective date provisions of the APA (5 U.S.C. 553(d)).

Enforcement

During the interim period from January 1, 1994 to the present, there has been no explicit requirement that licensees retain the five categories of records addressed in this rule that were required under the old Part 20. Therefore, a violation will not be cited in any case in which a licensee discarded the records during this period. In the case of a licensee that retained any of the five categories of records but discards those records *after the effective date of this rulemaking*, a violation may be cited in accordance with the NRC Enforcement Policy.

Environmental Impact: Categorical Exclusion

The NRC has determined that this rule is the type of action described in categorical exclusion 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

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 number 3150-0014.

Regulatory Analysis

This final rule is administrative in that it reinstates provisions inadvertently removed from the text of an existing regulation and corrects errors found in the revised 10 CFR Part 20. These amendments will not have a significant impact. Therefore, the NRC has not prepared a separate regulatory analysis for this final rule. The final regulatory analysis for the May 21, 1991, final rule examined the costs and benefits of the alternatives considered by the Commission in developing the revised standards for protection against radiation and is available for inspection