

June 18, 1998

MEMORANDUM L. Joseph Callan  
TO: Executive Director for Operations  
FROM: John C. Hoyle, Secretary /s/  
SUBJECT: STAFF REQUIREMENTS - SECY-98-077 - PROPOSED RULE: "RESPIRATORY PROTECTION AND CONTROLS TO RESTRICT INTERNAL EXPOSURES, 10 CFR PART 20"

The Commission has approved publication of the proposed rule for public comment subject to the comments and changes noted below.

(EDO)

(SECY Suspend: 7/10/98)

The Federal Register notice (FRN) should specifically ask for public comment on whether the technical aspects of the rule should be addressed through alternative approaches other than the proposed rule, such as a simple performance-based rule with a Regulatory Guide to permit a more rapid regulatory response by the NRC to technical developments and changes in industry consensus standards (subject to legal constraints).

The staff should re-review its conclusions with respect to compatibility categories for this rule, in particular for consistency. The staff should exercise discretion and propose compatibility categories that assure internal consistency and provide appropriate justification for departing from the policy and procedure in cases where implementation of the adequacy and compatibility policy statement results in inconsistencies within a proposed rule. The FRN should specifically solicit public comment on the resulting inconsistencies so that this issue can be resolved prior to issuance of the final rule. In addition, any comments previously received from the Agreement States as a result of the proposed amendments being made available on the NRC bulletin board should be briefly summarized in the FRN.

In paragraph 3 of the public announcement, lines 3 and 4, delete 'new.' At the end of paragraph 3, add a sentence: "The Commission's proposed rule is consistent with the general mandate of the Technology Transfer Act of 1996 (Public Law 104-113) to utilize consensus standards."

The Congressional letters should be modified to add the following sentence at the end of the letter: "The Commission's proposed rule is consistent with the general mandate of the Technology Transfer Act of 1996 (Public Law 104-113) to utilize consensus standards."

cc: Chairman Jackson  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
OGC  
CIO  
CFO  
OCA  
OIG  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR  
DCS

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SECY NOTE: THIS SRM, SECY-98-077, AND THE COMMISSION VOTING RECORD CONTAINING THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS FROM THE DATE OF THIS SRM.