



ENGINEERING DEPARTMENT  
Ronald Sanacore, Senior Vice President

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Chief, Rules and Directives Branch  
Division of Administrative Services  
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U.S. Nuclear Regulatory Commission  
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Dear Sir or Madam,

By this letter I am transmitting comments on draft NUREG 1736, *Consolidated Guidance: 10 CFR Part 20—Standards for Protection Against Radiation*. The draft is excellent, and something of this nature has long been needed.

I recently commented on the draft by email, pointing out that the answer to question 26 in NUREG/CR 6204, *Questions and Answers Based on Revised 10 CFR Part 20*, is inconsistent with Part 20 as revised in 1995; and that by referencing that answer in the draft, the draft is also inconsistent. I have reason to believe that because of the wording in the final rule in the 1995 federal register, regardless of how it may be resolved in NUREG 1736 there will remain some confusion on the issue of whether a member of the public is subject to occupational dose limits when he enters a restricted area as defined in Part 20. In one sense this is surprising since the primary reason for the 1995 revision to Part 20 was to redefine “Occupational dose”, “Member of the public”, “Public dose” and “Occupational dose” in order to clarify that very issue. The term “Controlled Area” also appears to be adding to the confusion.

The statements of consideration in the federal register for both the proposed rule (1994) and the final rule (1995) are very clear:

Proposed rule, 2/3/94:

“A fundamental principle present in the regulations is that a member of the public is subject to the limits for a member of the public (§ 20.1301 (a)(1)), irrespective of that individuals’ location.” (59 FR 5133)

“These changes would also make it clear that the dose received by a member of the public cannot be permitted to exceed the public dose limit even if the individual is receiving a portion of that dose while in a restricted area.” (59 FR 5133)

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Add = C. BROWN (CXB)

Final rule, 7/13/95:

“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.” (60 FR 36039)

“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.” (60 FR 36039)(emphasis added)

“This change further clarifies that a member of the public is limited to the public dose limit regardless of where the individual is located.” (60 FR 36040)

And there are several other related statements. Unfortunately, between the first two quotations from the final rule is this statement:

**“Further guidance on this issue is provided in question and answer numbers 26 and 444 in NUREG/CR-6204, Questions and Answers Based on Revised 10 CFR Part 20.”**

Even if that statement is removed from the draft 1736, it remains in the federal register and will cause problems. It seems to me that NUREG 1736 is an excellent opportunity to address the entire issue by explaining the history of the rule change, whether Q&A 26 is finally retired or revised. I expect that the most useful way to accomplish this might be to build on some of the quotations above from the federal register as you have done in several other sections of the draft.

Thank you for your consideration.



Jerre L. Forbes, CHP  
Technical Director, Liability Claims

JLF/jf

cc: Ronald Sanacore, Sr. VP, Engineering, ANI  
Edward Boehner, General Counsel, ANI