

**From:** John Lubinski  
**To:** Catherine Mattsen  
**Date:** Mon, May 8, 2000 5:02 PM  
**Subject:** Re: OE comments

Cathy,

I have reviewed your changes and have discussed them with Bill. OE concurs on the rulemaking package based on the following:

1. We have no objection to the changes based on comments 1, 2, 3, 6, and 7.
2. With respect to comment 4, we have no objection as long as OGC agrees that the wording is sufficiently clear that NRC can take enforcement against 10 CFR 31.5 for persons in Agreement States using portable devices in NRC jurisdiction.
3. With respect to comment 5, we still believe that new general licensees should be provided with copies of all regulations that are applicable to their operations. Without requiring such information, NRC may be in an awkward situation of taking enforcement against a general license for requirements that they were never made aware of. Therefore, NMSS should understand that NRC may need to exercise enforcement discretion for such violations.

>>> Catherine Mattsen 05/08 3:56 PM >>>

Since I have not been able to get you on the phone; here is what I have done with your comments. The change to 31.5(c)(5) is okay with OGC.

**CC:** Donald Cool, Josephine Piccone, Richard Borchard...