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NG, JR

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 3, 1997

MEMORANDUM TO: Malcom Knapp, Acting Director
Office of Nuclear Regulatory Research

FROM: James Lieberman, Director
Office of Enforcement

SUBJECT: REVIEW OF PROPOSED RULE REGARDING REVISION OF DOSE LIMIT FOR VISITING MEMBERS OF THE PUBLIC

The Office of Enforcement (OE) has reviewed the above proposed rule sent for comment on November 26, 1997, and has the following comments that need to be addressed before OE can concur to this rulemaking:

1. The proposed Statements of Consideration (at page 6) provide that the authorized user will be required to inform the visitors of the potential risks. (See also the description of alternative 3 in the cost benefit analysis.) However, it does not appear that there is such a requirement in the language of the proposed rule.

2. If there is a requirement to inform the visitor of the risks, why not include a provision to address the pregnancy issue if the person is a declared pregnant person or if the person is of child bearing age, rather than provide a **suggestion** that the authorized user do this? Note that this suggestion appears in the Statements of Consideration, which most authorized users will never see.

3. What should the Severity Level be if the rule is violated by exceeding 0.5 rem limit, if the required disclosure is not provided to the visitor, or if the authorized user does not consider the potential risks to the visitor? OE suggests that exceeding the 0.5 rem limit should be a Severity Level III violation in keeping with the current Example IV.C.5 of the Enforcement Policy. Other procedural violations that do not cause the 0.5 rem limit to be exceeded could be categorized at Severity Level IV. The Statements of Consideration should address this.

OE will provide

4. The cost benefit analysis does not address audits or inspections. Will licensees be expected to audit compliance with this rule? What are NRC inspections intentions regarding inspection? Without records can audits or inspections be done?

Please call me if you have any questions on these comments. Concurrence will be forthcoming promptly after we have considered your response. Please respond by phone or E-mail (JXL).

Additionally, while not an OE issue, we note that the new rule would impose additional requirements (*i.e.*, over and above any existing requirement) for situations in which a visitor will receive a dose in the range from 0 - 0.1 rem. Currently, there is no requirement for the authorized user to be involved on a case-by-case basis, or to consult with the radiation safety officer, for visitors who will receive a dose in the 0 - 0.1 rem range. The new rule, as structured at 10 CFR 35.315 and 35.415, will require additional licensee resources to be expended for visitors who will receive a dose within this lowest portion of the range. Should the cost benefit analysis explain why it is necessary to impose additional regulatory requirements for the lowest range of doses to visitors?

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