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

February 13, 1997

MEMORANDUM TO: Cynthia D. Pederson, Director
Division of Nuclear Materials Safety, RIII

FROM: Donald A. Cool, Director
Division of Industrial and
Medical Nuclear Safety, NMSS

SUBJECT: REQUEST BY UNIVERSITY OF CINCINNATI FOR EXEMPTION FROM THE PUBLIC DOSE LIMIT IN 10 CFR 20.1301

In a memorandum dated March 19, 1996, to John Madera of your staff, we had advised that Region III should not grant a request by the University of Cincinnati for exemption from 10 CFR 20.1301. The University of Cincinnati had requested, in a letter dated January 5, 1996, that its license be amended to permit some members of the public to receive doses up to 500 mrem/yr. The University had also submitted procedures for selecting those members of the public who would be permitted to receive doses above the 100 mrem/yr limit specified in 10 CFR 20.1301, and described the methods to be used in tracking these members of the public, assessing their doses, and ensuring implementation of ALARA methods.

The new patient release rule in 10 CFR 35.75 was published recently in the Federal Register, and becomes effective on May 29, 1997. The criteria for patient release in this rule are based on an estimated dose of 500 mrem to persons who are closely associated with the therapy patient, such as family members, after the patient's release from the hospital. This dose criterion is identical to that requested by the University of Cincinnati for members of the families of patients undergoing hospital treatment, such as brachytherapy, and who need the care and attention of their families during treatment. This is particularly true of children and elderly persons undergoing such treatments. Permitting such practices as those requested by the University would be consistent with the patient release rule.

In view of this development, we have reconsidered the University of Cincinnati's request for an amendment to its license. We recommend that the request be granted, under the conditions and controls described in the University's original letter to Region III dated January 5, 1996 (revised), with modifications.

CONTACT: Cathy Haney
(301) 415-7844

We recommend that the license be amended to add the following license condition.

XX. Notwithstanding the provisions of 10 CFR 20.1301, individuals visiting patients confined pursuant to 10 CFR 35.75 are permitted to receive 500 mrem during the confinement provided:

a) The limit applies to visitors determined by the physician to be necessary for the emotional and/or physical support of the patient.

b) The specified visitors shall be limited to persons 18 years and older and non-pregnant females.

c) The specified visitors shall be instructed to maintain their exposure as low as is reasonably achievable. The instructions shall emphasize the basic radiation safety precautions of time, distance and shielding. The risks of radiation exposure shall be explained to the specified visitors and the visitors shall be advised that the exposure received may be above the regulatory limit for the general public.

d) Exposures received by the specified visitors under this license condition shall be estimated by means appropriate to ensure that this dose limit is not exceeded. Records documenting compliance shall be maintained for three years.

Attached is a draft letter which can be used to transmit the amended license to the University.

Please call me or the technical contact if you need additional clarifications in this matter.

Attachment: As stated

DRAFT

Dr. Donald Harrison, M.D.
Senior Vice President and Provost for
Health Affairs
University of Cincinnati
141 Health Professions Building
Mail Location 663
Cincinnati, Ohio 45267-0663

Dear Dr. Harrison:

In our letter to you dated December 12, 1996, we had indicated that your request for a license amendment to permit certain members of the public to receive doses up to 500 mrem/yr was denied. Specifically, you had requested that certain members of the families of patients undergoing treatments using licensed materials, such as brachytherapy, be permitted to receive doses up to 500 mrem/yr incidental to their presence with family members during these treatments. We had also indicated that the most appropriate route to follow would be for your organization to submit a request for rulemaking concerning this matter.

Because of changes in some Nuclear Regulatory Commission policies that have a direct bearing on this matter, particularly the recent publication in the Federal Register of the revised patient release rule (10 CFR 35.75), we have reconsidered your request. Enclosed with this letter is the amended license that addresses your January 1996 request. Condition __ permits use of the 500 mrem/yr dose limit for specified members of the public provided certain controls are in place. These controls are similar to those proposed in your letter dated January 5, 1996 (revised).

Please contact us if you have any questions regarding the amended license.

Sincerely,

cc: Victoria Morris, Radiation Safety Officer
James Wesner, General Counsel
Linda Harpster, Associate General Counsel

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