



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 10, 1994

MEMORANDUM FOR: James Lieberman, Director
Office of Enforcement
Ben B. Hayes, Director
Office of Investigations
Robert M. Bernero, Director
Office of Nuclear Material Safety &
Safeguards
Thomas E. Murley, Director
Office of Nuclear Reactor Regulation
Thomas T. Martin, Regional Administrator
Region I
Stewart D. Ebnetter, Regional Administrator
Region II
John B. Martin, Regional Administrator
Region III
L. J. Callan, Regional Administrator
Region IV
Kenneth E. Perkins, Acting Regional
Administrator, Region V

FROM: Hugh L. Thompson, Jr.
Deputy Executive Director for
Nuclear Materials Safety, Safeguards,
and Operations Support

SUBJECT: ENFORCEMENT AND INVESTIGATION CONSIDERATIONS
FOR PART 20

Effective January 1, 1994, all licensees were to have implemented the revised Part 20. Based on past experience with other new requirements, some hospitals and many small licensees such as medical clinics or physician offices, radiographic or gauge licensees may not have implemented or have only partially implemented certain new requirements of the revised Part 20.

The staff anticipates that most noncompliances associated with implementing the revised Part 20 will involve failures to 1) establish procedures in the radiation protection program that incorporate the ALARA philosophy, 2) use the correct terminology (for example, total effective dose equivalent vs. whole body), and 3) demonstrate compliance with the dose limits for members of the public or the fetus. Assuming that the licensee is at least meeting the requirements of the old Part 20, there are few immediate safety implications of not implementing new requirements of the revised Part 20 for smaller licensees.

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The NRC Enforcement Policy provides guidance for violations involving the failure to meet the revised Part 20 (See Supplement IV F through J). In cases where licensees are generally meeting the requirements of the old Part 20, violations of the revised Part 20 should normally be classified at a severity level IV or V. If appropriate corrective action is not taken, then the sanction should be escalated as provided in the Enforcement Policy. In addition, substantial noncompliance with the revised Part 20 should be considered for escalated action. Substantial noncompliance would include loss or release of materials; worker, public, or fetal exposures above the revised Part 20 limits; or a breakdown in the control of licensed activities which represents a significant lack of attention or carelessness in the health physics area (i.e., a programmatic breakdown in the protection of either workers or members of the public where the requirements of the old Part 20 or the new Part 20 are not generally being met).

In view of the extensive notice that has been provided to licensees on the requirements and the effective date of the new Part 20, licensees' failure to implement the new Part 20 could be considered willful. If there is evidence of willfulness, then the matter should be referred to OI as in the normal process. However, unless there is evidence of an affirmative deliberate decision not to implement the new Part 20, (i.e., more than if the licensee had notice of the new requirement but neglected to initiate or complete its implementation of the new Part 20) the case should be assigned a "low" priority for investigation.

This matter will be reconsidered after approximately six months of inspection experience. Should you have any questions on the guidance or on a particular situation where a different approach is warranted, please contact Mr. James Lieberman, Director, Office of Enforcement at 301-504-2741.



Hugh L. Thompson, Jr.
Deputy Executive Director for
Nuclear Materials Safety, Safeguards,
and Operations Support

cc: J. Taylor
J. Milohan
PDR