

**Responses to Public Comments on Draft Regulatory Guide DG-8030**  
**“Instructions for Recording and Reporting Occupational Radiation Dose Data”**  
**(Proposed Revision 3 of Regulatory Guide 8.7)**  
(Public comments have been edited for clarity)

On August 28, 2015, the NRC published a notice in the *Federal Register* (80 FR 52346) announcing that Draft Regulatory Guide DG-8030 (proposed Revision 3 of Regulatory Guide 8.7) was available for public comment. The comment period closed on October 31, 2015 and the NRC received one set of comments submission from Ms. Ellen Anderson, Senior Project Manager for Radiation and Materials Safety at the Nuclear Energy Institute (ADAMS Accession No. ML15299A095) which it has been edited for clarity. The comments and the NRC staff’s responses are set forth in the following table:

No.	Comment	Commenter Recommendation	NRC Resolution
1	Changes to NRC Forms 4 and 5 were made without the opportunity for proper stakeholder comment, and, when revised, were not communicated to licensees through the <i>Federal Register</i> , resulting in the expenditure of significant unbudgeted industry resources. In addition, the commenter states that “...the <i>Federal Register</i> Notice for this DG states that the NRC staff has estimated that Forms 4 and 5 will become effective in January 2016; however it lacks specific guidance or direction as to which year’s data would be required to be submitted on the new Forms 4 & 5.”	Commenter recommends that the NRC either withdraw the revised Forms 4 and 5 and reestablish the use of the previous revisions of these forms or allow licensees to use either the previous revisions or revised Forms 4 and 5.	<p>The NRC staff disagrees with the comment. The NRC’s proposed revisions to NRC Form 5 and a request for public comment, were published in the <i>Federal Register</i>, on June 19, 2012 (77 FR 36583). The NRC provided a 30 day public comment period and received four comment submissions during that period. The comments and the NRC staff’s responses are publicly available in the NRC’s ADAMS system (ADAMS Accession No. ML16048A149).</p> <p>Although the emphasis of the June 19, 2012 notice was on potential revisions to NRC Form 5, the June 19, 2012 notice did state that the “feedback” from “stakeholders and other interested parties” would be used to develop “a new NRC Form 5 and a new NRC Form 4” (77 FR at 36584). The revisions made to NRC Form 4 are substantially the same as the revisions made to NRC Form 5. As such, the NRC staff has determined that an appropriate opportunity for stakeholder comment has been provided.</p>

			<p>The revised NRC Form 4 (04-2015) and the revised NRC Form 5 (04-2015) are publicly available on the NRC’s website and licensees may begin to use them. The NRC has issued Revision 3 to RG 8.7 (ADAMS Accession No. ML16054A170), which describes the use of the revised forms, and the accompanying Federal Register notice (ADAMS Accession No. ML16054A168), states that licensees must begin using the revised NRC Forms 4 and 5 on January 1, 2017.</p>
2	<p>The contents of a regulatory guide should reflect the document’s topic.</p>	<p>The commenter states that RG 8.7 and RG 8.34, “Monitoring Criteria and Methods to Calculate Occupational Radiation Doses,” overlap. Commenter requests that the NRC segregate these topics into their respective regulatory guides for improved communication and guidance to licensees regarding these regulatory requirements. With respect to RG 8.7, the commenter states that it “should only describe the methods and procedures that NRC staff considers acceptable for the preparation, retention, and reporting of occupational radiation doses.”</p>	<p>The NRC staff disagrees with the comment. The comment is of a general nature and does not provide specific examples of an overlap between DG-8030 and RG 8.34.</p> <p>Revision 3 of RG 8.7 states that the purpose of RG 8.7 is to describe the “methods and procedures that the [NRC] staff ... considers acceptable for the preparation, retention, and reporting of records of occupational radiation doses.” This purpose statement is generally in accord with what the commenter stated the purpose of RG 8.7 should be. The NRC staff has determined that the purpose statement of Revision 3 of RG 8.7 provides sufficient clarity</p>
3	<p>New regulatory requirements imposed on licensees within Draft Regulatory Guide (DG)-8030 must be established by rulemaking, not through regulatory guidance.</p>	<p>The commenter states that footnote 1 and the last sentence in the first paragraph of section C. “Staff Regulatory Position,” subsection 1.1, “If Monitoring Is Not Required” of Draft Regulatory Guide (DG)-8030, adds a new requirement for monitoring dose. The commenter further states</p>	<p>The NRC staff agrees with the comment. The staff removed footnote 1 and the last sentence in the first paragraph of section C. “Staff Regulatory Position,” subsection 1.1, “If Monitoring Is Not Required” of Draft Regulatory Guide (DG) -8030</p>

		that “If NRC desires to add a new requirement for monitoring worker dose, the agency must use the rulemaking process rather than the insertion of a new requirement into a Regulatory Guide.”	(ADAMS Accession No. ML15169A218), and otherwise revised that paragraph. Revision 3 to RG 8.7 does not contain the language identified in the comment.
4	The proposed change in DG-8030 regarding recording and reporting dose regardless of the magnitude of dose received conflicts with several existing industry practices, several regulatory documents that have been previously endorsed by the NRC, and the NRC’s “Principles for Good Regulation.”	Commenter states, “Industry believes that the proposed change in DG-8030 regarding recording and reporting dose regardless of the magnitude of dose received conflicts with existing radiation protection programs previously reviewed by NRC and determined to be acceptable industry practices, as well as several previously-established NRC positions and documents and scientific consensus documents. Therefore, NRC should remove this requirement for reporting dose regardless of the resulting dose magnitude from Footnote 1 and section 1.1 of DG-8030.”	The NRC staff agrees with the comment. The staff removed footnote 1 and the last sentence in the first paragraph of section C. “Staff Regulatory Position,” subsection 1.1, “If Monitoring Is Not Required” of Draft Regulatory Guide (DG)-8030 (ADAMS Accession No. ML15169A218), and otherwise revised that paragraph. Revision 3 to RG 8.7 does not contain the language identified in the comment.
5	The draft regulatory analysis to DG-8030 is incorrect in stating that this revision will lead to cost savings for the industry. In fact, the revision has already required licensees to incur significant cost resources.	Commenter states, “... significantly increase the regulatory burden associated with implementation of radiation protection programs, and maintenance of personnel dosimetry records which are unnecessary.”	<p>The NRC staff disagrees with the comment. There may be modifications by licensees to their electronic dose data in order to be consistent with the revised versions of NRC Forms 4 and 5 (04-2015). However, there is not a major change to RG 8.7 and no change in data collections or reporting.</p> <p>The NRC revised NRC Forms 4 and 5, as reflected in the NRC Form 4 (04-2015) and NRC Form 5 (04-2015) versions, to align with the December 4, 2007 amendments (72 FR 68043) to NRC regulation 10 CFR 20.1201(c), concerning the measurement of external exposure by either deep-dose equivalent (DDE) or EDEX, as well as to</p>

			<p>the amendments to the definition of “total effective dose equivalent (TEDE)” in 10 CFR 20.1003 and 10 CFR 50.2. The effective date of the December 4, 2007 rulemaking was January 3, 2008. Thus, all NRC licensees, when measuring external exposure with an external personal monitoring device, must use either DDE or EDEX. The revised NRC Forms 4 and 5 provides fields for both EDEX and DDE.</p> <p>The NRC’s regulatory analysis for the December 4, 2007 rulemaking (72 FR at 68051-58) explains the NRC’s consideration of cost associated with implementation of the amendments. In addition, the burdens associated with these revisions to NRC Forms 4 and 5 were during the OMB clearance process for the revised forms.</p>
6	The current revision to Regulatory Guide 8.34 (1992) is not easily useable in conjunction with this draft regulatory guide.		<p>The NRC staff disagrees with the comment. The commenter provided no further information beyond this conclusory statement that RG 8.34 is not easily useable with DG-8030. The NRC staff has determined that Revision 3 of RG 8.7 is compatible with RG 8.34.</p>
7	The commenter provided several editorial comments on DG-8030.		<p>The NRC staff made several revisions to DG-8030. The NRC staff, in Revision 3 to RG 8.7, either adopted all of the commenter’s suggested changes, or the commenter’s suggested changes were no longer relevant as the underlying DG-8030 language had been revised.</p>

