

Georgia Department of Natural Resources

4244 International Parkway, Suite 114, Atlanta, Georgia 30354

Lonice C. Barrett, Commissioner
Environmental Protection Division
Harold F. Reheis, Director
(404) 362-2675

OSP

96 NOV -5 PM 2: 24

October 29, 1996

RLB2
PHL
SLD
LABMr. Lloyd Bolling
Office of State Programs
USNRC
Mail Stop 3 D 23
Washington, DC 20555

Dear Mr. Bolling:

This is in response to All Agreement States Letter SP-96-107 Draft Rule Making Plan 10 CFR Part 35. We support Alternative 2. Although this places an initial regulatory burden on the NRC, it reduces the burden on physicians, distributors and the Agreement States. This should not place any undue regulatory burden on Agreement State licensees wishing to distribute the one microcurie carbon 14 capsules. The capsules can be directly distributed by the manufacturer to physicians. As there does not appear to be any radiological impacts on patients, workers or the public, the analyzing laboratory would not need to be licensed. Agreement States are always amending their rules as a matter of compatibility. Therefore, we consider the regulatory burden to be minimal to include the exemption during rulemaking.

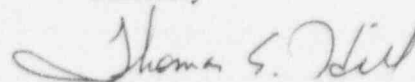
We do not agree with Alternative 3, granting a general license. Our regulatory burden is increased accepting Alternative 3. Although Alternative 3 may not cause a regulatory burden on NRC, it will impose greater paperwork cost to Georgia licensees, the distributors of the capsules, and will result in general license fees being assessed to physicians.

The specific regulatory burden on Georgia licensees would be as follows:

1. We would continue to require the distributor to send us a report quarterly as required under the rules for distribution under a general license.
2. We will be required to invoice the physicians for the general licensee fee, which would not be charged to a person receiving under an exempt distribution license.
3. We may have to amend all of our distribution licenses to allow for distribution of this product under a general license. This will add an additional cost to our licensees for the amendment fee that would not be caused by exempt distribution.

We recommend proceeding with a direct final rule amending Part 35 in conformance with Alternative 2.

Sincerely


Thomas E. Hill, Manager
Radioactive Materials Program**NRG FILE CENTER COPY**

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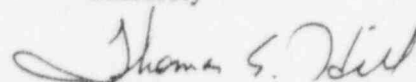
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Sincerely



Thomas E. Hill, Manager
Radioactive Materials Program

TEH/klc

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Case - Reg. File

SP-AE-7