

Radiology Consultants, Ltd.

P.O. Box 5700
Reno, Nevada 89513
(702) 348-7711

August 1, 1985

DOCKETED
USNRC

674 North Arlington
Suite 1
Reno, Nevada 89503

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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Branch

Subject: Proposal by U.S. Nuclear Regulatory Commission to
require financial responsibility for clean-up of
accidental release of radioactive materials.

To Whom It May Concern:

Information for proposed rule making as listed in the Federal
Register has been reviewed, and the following comments are
offered:

1. There should be some documentation that the proposed rule making is in response to actual occurrences of radioactive materials accidents which have resulted in large public expenditure.
2. It is unreasonable to require financial responsibility for the users of radioactive materials for "an act of God" which in most courts of law are not held as an occurrence for which an individual must be responsible (the user of radioactive materials is not God).
3. The demonstration of financial responsibility is directed toward licensees of radioactive materials including radiopharmaceutical manufacturers and those physicians involved in nuclear medicine. I see an exception is made for common carriers in this proposed rule, and I would not feel it should be my financial responsibility to provide for clean-up of radiopharmaceutical spills which were due to the negligence or errors of common carriers operating between the manufacturer and myself as the licensee.
4. There is no definite limitation of the extent of financial responsibility which I might incur as a physician performing nuclear medicine procedures.
5. The "instrument" which would guarantee financial responsibility might only be available at such a high cost, that one might necessarily consider the abandonment of further provisions of medical diagnostic services (in the case of nuclear medicine). The continued increase in cost of malpractice insurance is exemplary of what might be facilitated by passage of such a requirement by the NRC.

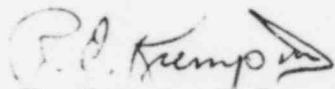
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Add: Mary Jo Saxony 62355
William Almstead, 96041 NBB
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*Acknowledged by card AUG 12 1985

6. Regarding specific considerations listed in the A.N.P.R.M., subheading A, the basis of determining the amount of coverage according to the type and amount of radioactive material would be an absolute necessity in the case of physicians and medical institutions dealing with nuclear materials. The definite discrimination between such categories as compared to nuclear power reactors, for instance, would be an obvious requirement.

In summary: The imposition of another requirement to carry insurance or to have funds set aside for a potential radioactive materials spill might sound good to regulators, but those of us who use relatively small amounts of low risk radioactive materials are afraid of being clumped together with the corporate users of high risk and more dangerous radionuclides. It must also be recognized that it is for the "public good" that these spills must be corrected, and a broader spectrum of the public should therefore be involved in the cost of these clean-ups. I believe insurance companies could unreasonably demand high premiums of those of us in the categories of physicians dealing with radioactive materials, just as they have with malpractice insurance.

Sincerely,



R. E. Kremp, M.D.

REK/sh

cc: John Vaden