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HOSPITAL  
CENTER

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PDR

October 14, 1996

U. S. Nuclear Regulatory Commission  
Region II  
Division of Radiation Safety and Safeguards  
101 Marietta Street, NW  
Suite 2900  
Atlanta, GA 30323

RE: Request for Clarification in Regulations

Dear Sirs:

I am writing to request that you clarify a point regarding the regulations in 10 CFR.

10 CFR 35.50 (b)(1) requires that we "Check each dose calibrator for constancy with a dedicated check source at the beginning of each day of use...". We fulfill this requirement by having the nuclear medicine technologist who opens the department (at about 5:30 a.m.) perform the required constancy checks.

The point that needs clarified was raised by our health physics consultant. He pointed out that our on-call technologists are sometimes called out in the early morning hours - e.g. at 2:00 a.m. - and they use the dose calibrator to verify dosages without first checking it for constancy. His concern is that an inspector from your office might interpret 12:01 a.m. as the beginning of the day, in which case our omission of the constancy check would constitute a violation of the regulations. We argued to him that the beginning of the day, for us, is the time when the early technologist opens the department at about 5:30 a.m. We also indicated that his interpretation of the regulation (We pay him to be overly conservative, and he is.) would lead to a disruption in our routine - sometimes the early technologist would be required to do the checks and sometimes he would not - and might make it more likely that we would sometimes miss a day's checks.

So, the point that we need clarified is this: **Is it acceptable for us to consider the arrival of the early technologist as the beginning of the day, and for us to perform the constancy checks at that time?**

Please call me at (304) 624-2574 if you have any questions or require additional information.

Sincerely,

James W. Israel, M.S., DABR  
Radiation Safety Officer

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