

University of Cincinnati
Medical Center



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Office of the
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December 30, 1996

OFFICE
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Secretary of the Commission
ATTN: Chief, Docketing and Service Branch
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Ref: Letter to Donald Harrison, M.D., University of Cincinnati
from A. Bill Beach dated December 12, 1996

Docket Number: 030-02764

Dear Secretary of the Commission:

As granted under 10 CFR 2.1205(b), the University of Cincinnati with this letter requests a hearing regarding the U.S. Nuclear Regulatory Commission's denial of the University of Cincinnati's amendment request for authorization pursuant to 10 CFR 20.1301(c) to allow specified visitors of radiation therapy patients to receive a dose of up to 500 mrem total effective dose equivalent (TEDE) instead of the current public dose limit of 100 mrem per year.

The University of Cincinnati is disappointed that a request the U.S. Nuclear Regulatory Commission determined "has merit" was denied and disagrees that a compelling reason for an indefinite exception from the public dose limit was not provided. The University of Cincinnati believes the amendment would allow a medical decision to be made by a physician. This decision should not require the physician to request case-by-case approval by the U.S. Nuclear Regulatory Commission.

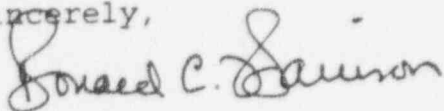
In regards to a comment made in the December 12, 1996 letter, the University of Cincinnati does not believe the U.S. Nuclear Regulatory Commission has pertinent data to determine if the University of Cincinnati "differ(s) in any significant manner from ... other similar institutions engaged in brachytherapy or radiopharmaceutical therapy". Pertinent information, such as the number and ages of children who receive radiation therapy, would not be known to the U.S. Nuclear Regulatory Commission.

The ability of physicians to allow for specified visitors to receive doses greater than the current public dose limit of 100 mrem is important to the University of Cincinnati and is supported by the National Council on Radiation Protection and Measurements.

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The University of Cincinnati looks forward to hearing from the U.S. Nuclear Regulatory Commission soon regarding this request. If you have any questions, contact Victoria Morris, Radiation Safety Officer at (513) 558-4110.

Sincerely,



Donald Harrison, M.D.
Senior Vice President and
Provost for Health Affairs

c: Assistant General Counsel for Hearings and Enforcement
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Cyril Kupferberg
Ronald Millard, Ph.D.
Victoria Morris
UC Medical Authorized Users

December 12, 1996



Donald Harrison, M.D.
Senior Vice President and Provost
for Health Affairs
University of Cincinnati
141 Health Professions Building
Mail Location 663
Cincinnati, OH 45267-0663

SUBJECT: NOTICE OF DENIAL OF AMENDMENT REQUEST

Dear Dr. Harrison:

This refers to a letter dated January 5, 1996, signed by Victoria Morris, which requested authorization pursuant to 10 CFR 20.1301(c) to allow specified visitors of radiation therapy patients to receive a dose of up to 500 mrem total effective dose equivalent (TEDE) instead of the current public dose limit of 100 mrem per year. The letter states that this action is necessary to permit persons close to the patient to be present with the patient to provide emotional and physical support. The letter also states that the number of people subject to the increased dose limit will be small and that methods will be provided to monitor the dose received by the affected individuals to ensure that radiation doses are in compliance with the 500 mrem limit.

As discussed with Ms. Morris in a telephone conversation on November 4, 1996, based on our review of the information provided, we have concluded that your request cannot be granted. The basis for the denial is that you did not demonstrate a compelling reason for an indefinite exception from the public dose limit. The conditions at your institution do not appear to differ in any significant manner from those at other similar institutions engaged in brachytherapy or radiopharmaceutical therapy.

Notwithstanding the above, we believe that the concern underlying your request has merit. There are alternative methods of obtaining higher dose limits for specified visitors of radiation therapy patients. For example, a physician, through the Radiation Safety Committee and/or Radiation Safety Officer, may at any time make a case-by-case patient specific request for an exception to the public dose limit when compelling medical reasons are evident. Patient specific requests can be initially made by telephone to our office and followed-up in writing. If authorization is appropriate, the request can be approved by the NRC within hours, usually, by telephone or facsimile. Formal documentation of the verbal authorization by the NRC will follow. Cases where immediate authorization is needed should be rare. Another alternative, which you have already initiated, is to petition for rulemaking. Your petition for rulemaking dated April 7, 1996, was announced in the Federal Register on June 21, 1996, (61FR31874) and is currently being reviewed by NRC staff.

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As provided in Section 2.103 of 10 CFR Part 2, enclosed, you have the right to request a hearing concerning this denial. If you wish to request a hearing, it must be submitted within 20 days from the date of this letter to the Secretary of the Commission, ATTN: Chief, Docketing and Service Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the Assistant General Counsel for Hearings and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. The request should reference this letter and Docket Number 030-02764, as appropriate.

If you have any questions or require clarification on any of the information stated above, you may contact B. J. Holt or Jim Mullauer of my staff at (630) 829-9807.

Sincerely,

Original Signed By
A. Bill Beach
Regional Administrator

License No. 34-06903-05
Docket No. 030-02764

Enclosure: 10 CFR Part 2

cc w/encl: Victoria Morris, RSO

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DATE	12/6/96	12/6/96				

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telex with
T. Harrison on
12/6/96