



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
631 PARK AVENUE  
KING OF PRUSSIA, PENNSYLVANIA 19406

*Norm McElroy*

March 30, 1984

*Rec'd  
4 02 84  
(fwd on 3 30 84)*

MEMORANDUM FOR: Richard E. Cunningham, Director  
Division of Fuel Cycle and Material Safety, NMSS

FROM: Thomas T. Martin, Director, Division of Engineering  
and Technical Programs, Region I

SUBJECT: REQUEST FOR REVIEW OF DRAFT 10 CFR PART 35 AND DRAFT  
REGULATORY GUIDE 10.8

This is in reference to your February 13, 1984 memorandum on the same subject. In accordance with your request, we have reviewed the draft 10 CFR Part 35 and draft revision of Regulatory Guide 10.8. Our specific comments are enclosed with this memorandum. We appreciate the opportunity to have participated in the review of these revisions and wish to compliment Mr. McElroy on his cooperation and responsiveness to our comments.

This version of Part 35 appears to be more complete, more readable, and better organized than the current regulation. Likewise, the draft revised Regulatory Guide 10.8 is more comprehensive and detailed than the current guide. However, careful review of the Draft Commission Paper, draft 10 CFR Part 35, and the recently received draft NRC Form 313 indicates a possible discrepancy in how NRC licensees may modify their safety procedures. The Commission Paper indicates that medical licensees will be able to modify procedures submitted with the application "without NRC review or approval as long as they meet the requirements of the regulation". The draft NRC Form 313 indicates in the certification section that "changes may not be made without prior approval of the U.S. Nuclear Regulatory Commission". Section 35.17 of the draft 10 CFR Part 35 specifies certain procedural changes which do require a license amendment. It is not clear that this provision of the draft regulation does, in fact, grant the flexibility described in the Draft Commission Paper. These three documents must be made consistent.

*Form 4 05 84*

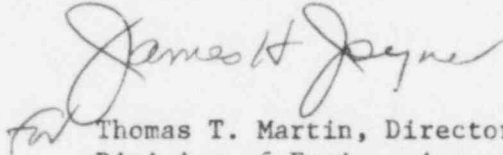
*mem: does this ltr endorse the ARN or do you want  
the tie-down*

*John Glenn: we want the new regulation*

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Memorandum for Richard E. Cunningham 2

We suggest that the regulation be made consistent with NMSS' intent and that this intent be made clear to the regional staff and to NRC licensees.

  
for Thomas T. Martin, Director  
Division of Engineering and  
Technical Programs

Enclosures:

1. Comments on Draft 10 CFR Part 35
2. Comments on Draft Regulatory Guide 10.8

cc (w/encls):

J. E. Zerbe, OPE  
Guy H. Cunningham, ELD  
Robert B. Minogue, RES  
Richard C. DeYoung, IE  
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Thomas E. Murley, RI  
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James G. Keppler, RIII  
John T. Collins, RIV  
John B. Martin, RV

ENCLOSURE 1

Comments on Draft 10 CFR PART 35

<u>Page</u>	<u>Section</u>	<u>Comment</u>
84	35.16(d)(1) ✓	The District of Columbia is missing. Also, Agreement States within Region I should be listed (Maryland, New Hampshire, New York, Rhode Island) since some applications are received from non-federal licensees with addresses in those states.
85	35.16(e) ✓	Delete the District of Columbia. Non-federal licenses in D.C. are now handled by Region I.
104	35.60(b) 0	Although it is possible to safely <u>draw</u> doses without using syringe shields, our inspectors still feel that syringe shields will prevent significant hand exposures by persons using poor techniques while drawing doses.
105	35.70(f) ✓	Insert space between "section" and "so".

ENCLOSURE 2

Comments on Draft Regulatory Guide 10.8

<u>Page</u>	<u>Section</u>	<u>Comment</u>
34	✓ Item 3	We suggest deleting the last sentence. A survey meter with a thin, end-window probe makes an excellent personnel monitor for contamination.
55	✓ Item 1	"Activity" is misspelled in the last sentence.
55	✓ Item 2	Since the regulation is specific to concentrations, the licensee should calculate and record the concentrations in effluent released to the unrestricted area.