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2600 Bull Street
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October 15, 1982

Mr. Donald A. Nussbaumer
Assistant Director
State Agreements Program
Office of State Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. ^{Don}Nussbaumer:

This is in response to your request for comments on the draft of the proposed rule on Part 35, Human Use of Byproduct Material. Please be advised that we have reviewed this document and offer the following comments.

We support the concept of consolidating all applicable regulations concerning human use of byproduct material under one part, and codifying the requirements of regulatory guides. However, we strongly object to licensure of these activities without proper and complete documentation being submitted for review and approval by the licensing agency.

Based on our experience, we find that some licensees do not realize the requirements of their license conditions much less regulatory requirements. We find it inconceivable that NRC would consider authorizing such activities without reviewing the basics of the applicant's program, but rather relying on a good faith effort by the licensee to comply with regulations.

In a review of inspection reports, we find that numerous violations occur because the licensee's management, technicians and authorized users are just not aware of regulatory requirements, nor do they practice basic health and safety procedures.

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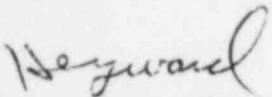
This results in higher occupational exposures among nuclear medicine technologists, therapists and physicians. Therefore, the ALARA philosophy is compromised.

We realize that NRC views this as a means to alleviate the burden on themselves and the applicant. However, we view it as a shift of responsibility from the license reviewer to the inspector who will spend a majority of his time reviewing procedures.

In conclusion, we strongly urge that NRC reconsider the proposed rule and maintain licensing of these activities under present requirements.

We appreciate the opportunity to comment on such an important issue.

Very truly yours,


Heyward G. Shealy, Chief
Bureau of Radiological Health

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