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October 20, 1982

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

Dear Mr. Nussbaumer:

Thank you for the copy of the second draft of the proposed rule on Part 35, Human Use of Byproduct Material. My staff and I have reviewed this document.

The Commission's attempt to streamline the Medical licensure process is admirable. It is believed that many of the proposed changes are on the right track in the streamlining process. At this time, we believe that the proposed revision in Part 35 will totally derail the medical licensing program if the pre-licensing review of radiation safety procedures is terminated.

The Department believes that current pre-licensing review is absolutely essential in the licensing process. Without this review, it is believed that the Medical licensing process will be severely hampered such that the health and safety of the radiation workers, patients, and the general public may be adversely affected.

It is obvious to this Department that with the proposed changes as submitted, the role of the compliance inspector will be vastly complicated by with the adoption of the revised Part 35 rules. The compliance inspection's principle role is to assess the licensee's radioactive material program to determine its compliance status, not to be an onsite license reviewer.

The Department recommends the Nuclear Regulatory Commission review the pre-licensing review process again. Hopefully, the wisdom of the maintenance of this important aspect of the licensing process will be seen and maintained.

Thank you for the opportunity to review and comment on these matters. Please feel free to contact me if we can be of any assistance.

Sincerely,

E. F. Wilson, Director
Div. of Environmental Health Protection

EFW:tt