



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT, STATEHOUSE, BOISE, IDAHO 83720

June 9, 1982

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

Dear Don:

We have received the proposed revision to part 35 on Human Uses of By-Product Material basically two weeks before comments are due. I do not see how we can make an accurate review and make intelligent comments in this amount of time. However, we have made an attempt and have comments as follows:

I do not believe the NRC inspects general licenses or registrants. Therefore, the question comes to mind as to why issue a general license or registration in the first place. Does NRC plan to conduct inspections of the small users under the new criteria? If so, then the inspection work load would increase and there would be no overall gain in manpower.

I would be more in favor of increasing the exempt quantities for specific uses in eliminating the smaller users from registration licensing and inspection.

The applications that are received by NRC for medical licenses are reported to be deficient in material and further requests have to be made--causing further delays. Establishing regulations that spell out requirements for procedures will not ensure that the licensee will know what is required. The NRC guidelines which are now available are no different than proposed regulations.

In order to verify that a licensee is operating correctly, an inspection must be made, which means the licensee will be open to violation and possible civil penalty because he did not provide adequate procedures. More inspections will be required, and the

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licensee will have to pay for them (this was not considered in the proposal).

The federal regulations are so bulky, hard to read, and changed constantly that a licensee would have a very difficult time trying to decipher what the inspector is looking for or keeping the regs up to date.

I also do not believe that regulations can be passed that would cover both small and large institutions. I would recommend that NRC simply hire adequate personnel to handle the licensing duties or provide funds or offer substantial inducement to the state that can perform the licensing with minimum effort.

I agree with the overall concept of the regulations, but I cannot see it as a workable solution to the dilemma.

The Management Information System (MIS) should be used whether or not the change in regulations is made.

Comments on specific regulations are:

35.28(b) License Term--fees. Will the cost of the fee drop because the service is dropping?

35.31 Radiation Safety Committee. Some institutions are so small that a safety committee is not needed. The members who would be appointed to the committee see each other on a routine basis and do not need a meeting, minutes, etc. Much of the duties assigned to the committee could be done by the R.S.O.

35.37. NRC is withdrawing the regulations concerning misadministrations. These should not be added here.

35.51(a)(1). G.M. instruments, as well as ionization chamber survey instruments should be calibrated annually.

35.59. There are two (b)s in this section.

35.59(e)(4). When sources are stored and not being used, a record should be required of the storage. This could fit in (f)(4), "Duties of storage for items listed under (e)(4)."

35.70. A statement should be added that would reflect "if a radiopharmaceutical were used." (Small hospitals do not have daily work loads.)

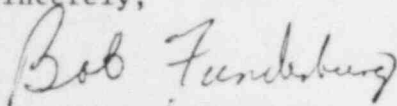
(c). Records should be kept for uniform time (two years).

35.204. The .15 microcurie of molybdenum is too low. It should be 1 microcurie Mo99 per millicurie Tc99m.

Subpart J. Training and Experience Requirements should include the nuclear med-technologist.

As stated before, these comments have been a very quick review and not in the depth we would like to extend.

Sincerely,

A handwritten signature in cursive script that reads "Bob Funderburg". The signature is written in dark ink and is positioned above the typed name.

Robert D. Funderburg
Manager
Radiation Control Section
Bureau of Hazardous Materials

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