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STATE OF NEVADA
DEPARTMENT OF HUMAN RESOURCES
HEALTH DIVISION

RICHARD H. BRYAN
Governor

505 East King Street
Carson City, Nevada 89710
CONSUMER HEALTH PROTECTION

October 20, 1983

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

Dear Mr. Nussbaumer:

This is in response to your letter dated September 12, 1983, concerning the concept proposed by DFCMS to comply with Commission directive of April 19, 1983, regarding revision of 10 CFR 35.

General Comment: It appears that the Commission's directive has not been met. The only portion of the directive (paragraph 3 of your letter) that gives Commission staff leeway for proposed requirements is that concerned with license amendments. The first two requirements are clear: that pre-licensing review of physician qualifications will continue; that pre-licensing review of applicant's operating procedures will continue.

Specific Comment: The staff now proposes to require the applicant to submit a plan for radiation safety in lieu of operating procedures for review contrary to paragraph 2 of the Commission's directive. Further, the plan does not really have to be submitted as long as the applicant states he will follow the licensing guide. This is about as useful as the applicant stating that, "I will operate in accordance with all regulations of the NRC".

It appears the Commission staff has forgotten the licensing philosophy used for many years which was that the license reviewer is the first person in a position to determine whether the licensee's knowledge and facilities are adequate to use the requested radioisotopes in a manner to protect the public health and safety. And if the proper information was not provided to the license reviewer, he was in a position to continue asking for it. If eventually the information required was not submitted, the application could be denied. It would decrease the ability of the license reviewer to judge competency of the applicant if he accepted their assurance "we will follow whatever the licensing guide says".

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Donald A. Nussbaumer
October 20, 1983
Page Two

Regarding proposed Section 35.70: What is a "low range" survey meter? This should be specified in mrem/hr and/or sensitivity to detect 0.005 microcurie or other specified activity.

In paragraph (c) How is the licensee to survey, wipe tests? To what level? Is he to decontaminate if he finds contamination? To what level? The only action levels are mentioned in the proposed guide?

Regarding paragraph (d) One year's retention of records would not allow the NRC inspector to review records for the last three years since the previous inspection. So it appears that if the licensee has made surveys for at least the last year out of the past three, he is in compliance.

Radiological Safety Plan: I strongly disagree with the idea that the applicant can "submit" the radiological safety plan for area surveys as it will appear in Guide 10.8. Regarding Item 17, why should not written procedures include the requirements of a. through i., rather than a. through g.?

In conclusion, I would like to repeat my previous comment that lack of Commission staff to process new applications and renewal applications for medical licenses is no excuse to lower licensing standards which have been considered necessary for at least the last 25 years.

Sincerely,



John Vaden, Supervisor
Radiological Health

JV/mg