



TENNESSEE DEPARTMENT OF HEALTH AND ENVIRONMENT

Bureau of Environment  
T.E.R.P.A. BUILDING  
150 NINTH AVENUE NORTH  
NASHVILLE, TENNESSEE 37219-5404

October 25, 1984

Mr. G. Wayne Kerr, Director  
Office of State Programs  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Kerr:

The All Agreements States annual meeting was very informative and, as usual, I returned to the office with numerous questions, comments, and concerns for the rest of the staff. Also, as usual, the states had their afternoon "for states only" session to discuss problems and concerns particularly from the state's perspective.

As noted in the closing session on Thursday, October 4, 1984 the following items of discussion were deemed worthy of follow-up. References appended to certain items refer to Mr. William H. Spell's letter of October 5, 1983 reporting on last year's meeting.

1. The states expressed their extreme concern with the proposed draft of Part 35 and request that adequate notice of the presentation of Part 35 to the Commission be provided in order that the Agreement States may have representatives appear before the Commission. See item 15 from last year.
2. While the states agree with the basic premise of consolidation of all requirements for medical licensing, i.e., Part 35, the states are philosophically opposed to certain other concepts carried forward by certain groups within the NRC. Therefore, it is the intent of the states to develop a draft alternative to present to the NRC and individual states for their adoption.
3. The states adopted a Resolution (copy attached) on NARM supporting the concept that the NRC should seek legislation to regulate discrete sources of NARM. See item 11 from last year.
4. The states expressed continuing concern and extreme frustration over the persistent turnover of professional personnel in state radiation control programs. The intent is to pursue this through the Conference of Radiation Control Program Directors, Inc. The NRC is requested by the states to provide any assistance possible.

8509230667 850906  
PDR PR  
35 50FR30616 PDR

October 25, 1984

5. The states request that the NRC Agreement State Program group specifically notify states of changes in evaluation criteria, e.g., the inspection frequency change, and that states be given reasonable time to comply.
6. The states request that the NRC evaluate its actions relative to the AECL model Theratron 80 teletherapy units. An additional problem has been identified with the proper maintenance and replacement of the take-up reels on the AECL units. See item 3 from last year.
7. The states understand that the draft proposal concerning emergency response plans for nuclear fuel cycle and material facilities was an early one, however, we do have significant concerns about certain items therein. These will be commented on specifically by individual states. The states are also concerned with FEMA's proposed role in training local personnel to respond to radiological incidents involving state and NRC licensed facilities.
8. The states are very interested in the development of computerized data systems. At present the Conference of Radiation Control Program Directors, Inc. and the state of Texas are taking the lead in this. It is intended that the NRC will be kept informed of progress in this area.
9. The states expressed some concern about conflicts between the national Freedom of Information Act, individual state Freedom of Information Acts, and information the NRC provides us or requires be provided to us that must be maintained confidential or secret.
10. The states intend to transmit a letter to DOE relative to transuranics and the desperate need for means of disposal.
11. The states are very concerned with the indiscriminate use or abuse of the Lixiescope device.
12. The states selected a committee composed of Diane Tefft, William H. Spell, and Michael H. Mobley to study the question of a more formalized structure for the organization of the Agreement States. That committee will complete its work during the coming year and report its findings to the states for action next year.

There was no recommendation forthcoming on the location of next years meeting but everyone certainly seemed to appreciate the amenities of this year's location. I personally, along with several members of my staff, benefited greatly by visiting NRC Region I offices and having a very enlightening discussion with several NRC inspection personnel who have been involved with depleted uranium processing facilities.

Mr. G. Wayne Kerr, Director

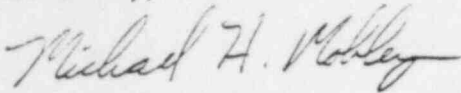
Page 3

October 25, 1984

I would like to express my appreciation to everyone who assisted me through the year especially those persons most concerned with Part 35 and the staff of the NRC Agreement State Program. A special thanks to Nancy Kirner for assisting me during the states portion of the meeting. The newly elected chairman is Joe Ward of California.

If additional information is needed or desired please contact Mr. Ward or me.

Sincerely,



Michael H. Mobley  
Director  
Division of Radiological Health

MHM/as 3/4

cc: All Agreement States  
Conference of Radiation Control Program Directors  
Illinois  
Iowa  
Pennsylvania

RESOLUTION OF THE AGREEMENT STATES - 1984 MEETING  
RELATING TO  
NRC REGULATION OF NARM

WHEREAS: Naturally Occurring and Accelerator Produced Radioactive Material (NARM) represent a potential risk to the public health and safety, equal to, and in many cases, greater than, the risk from Byproduct, Source, and Special Nuclear Material;

WHEREAS: NARM is not uniformly regulated throughout the United States;

WHEREAS: The non-uniform regulation of NARM has resulted in specific problems to Agreement States, and other States that license NARM, with respect to the licensing of devices and sources containing NARM; and

WHEREAS: The protection of the public health and safety of U.S. citizens from exposure to radiation from NARM sources can only be assured where strong regulatory programs are in effect;

NOW THEREFORE BE IT RESOLVED:

That the States which have signed Agreements with the U.S. Nuclear Regulatory Commission, declare that it is in the best interest of the citizens of the United States, that naturally occurring or accelerator produced radioactive material that is used or produced for its radioactive properties, or radioactive material produced incidental to such production, should be regulated by the U.S. Nuclear Regulatory Commission in an equal manner with Byproduct, Source, and Special Nuclear Material.

BE IT FURTHER RESOLVED:

That the U.S. Nuclear Regulatory Commission make every possible effort to have the Atomic Energy Act amended to allow for the Commission to regulate NARM sources which are used or produced for its radioactive properties, and that the amendment to the Act provide provisions to properly recognize those programs in state governments which are adequate to protect the public health and safety for NARM.



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

*156*

EDO PRINCIPAL CORRESPONDENCE CONTROL

FROM:

DUE:

EDO CONTROL: 000094  
DOC DT: 10/26/84  
FINAL REPLY:

MAURY NEUWEG  
CONFERENCE OF RADIATION CONTROL PROGRAM  
DIRECTORS, INC.

TO:

CHAIRMAN PALLADINO

FOR SIGNATURE OF:

\*\* GREEN \*\*

SECY NO: 84-1052

DESC:

ROUTING:

WOULD LIKE TO PROVIDE TESTIMONY RE REVISION OF  
10 CFR PART 35 IF FURTHER HEARINGS ARE HELD

~~DAVIS~~  
MINOGUE  
GCUNNINGHAM

ASSIGNED TO: SP DATE: 11/05/84  
CONTACT: KERR *2870*

SPECIAL INSTRUCTIONS OR REMARKS:

FOR APPROPRIATE ACTION

*1 Miller*  
*2 Mc Elroy*  
*FYI*

*Don Nussbaumer*  
*27767 out*  
*Lubman will find*  
*staffer to have*  
*call me 11 07 84*

NUMBER: 84-1052

LOGGING DATE: 11/2/84

OFFICE OF THE SECRETARY

ACTION OFFICE: EDO

AUTHOR: Maury Neuweg

AFFILIATION: Conference of Ra'diation Control Program Directors, Inc

LETTER DATE: 10/26/84

FILE CODE: -

ADDRESSEE: Palladino

SUBJECT: Would like to provide testimony should further hearing be held on Part 35

ACTION: Appropriate

DISTRIBUTION: None

Rec'd Cif. EDO

Date..... 11-5-84

Time..... 9 A

SPECIAL HANDLING:

SIGNATURE DATE:

FOR THE COMMISSION: Billie