

J. Davis

DEC 04 1984

Mr. Joseph O. Ward, Chief
Radiologic Health Branch
State Department of Health Services
714 P Street, Office Bldg. #8
Sacramento, California 95814

Dear Mr. Ward:

We have received Mr. Mobley's letter dated October 25, 1984, expressing comments and recommendations developed by the States at the 1984 All Agreement State meeting. We appreciate the States' efforts in bringing these matters to our attention.

A review of the October 25, 1984 letter indicates that no specific response or action is required of us on comments 10 and 12. We are providing below our responses to the comments and recommendations in the October 25, 1984 letter.

Comment 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."

Response

We have noted the States' concern regarding the proposed draft of Part 35 and associated changes in licensing practices. A summary of the States' views will be contained in any proposal submitted to the Commission for decision. In addition, we will inform the Commission of your desire to have a representative address it on the Part 35 matter at such time as the proposal may be forwarded to them. We will keep you informed on the progress of this proposal. We are also in receipt of the October 26, 1984 letter from Mr. Neuweg, Chairman of the Conference of Radiation Control Program Directors, Inc., to Chairman Palladino requesting an opportunity to address the Commission on the Part 35 proposal. We plan to coordinate this matter with the Agreement States rather than the Conference and are so informing Mr. Neuweg.

Comment 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."

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Response

We will review a proposal submitted by the States when it arrives.

Comment 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."

Response

In October 1984 we published NUREG-0976, an update of the original NARM study. Most of the original findings pointing to the need for uniform control were confirmed in the update survey. Also, there is the possibility of dual regulation of low-level waste disposal by NRC and EPA, due to potential EPA regulation of NARM disposal. The staff will continue to monitor developments in this area and formulate proposal for Commission consideration as might be appropriate.

Comment 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."

Response

We will continue to comment, where appropriate, on professional staff turnover noted during agreement State radiation control program reviews and will assist your efforts in other appropriate ways.

Comment 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."

Response

We will continue to inform the Agreement States of any changes in the evaluation criteria. Regarding the matter of inspection frequencies, we expect each Agreement State to establish inspection frequencies which meet, as a minimum, the NRC intervals. We recognize that a number of States inspect more frequently than the NRC and we have no problem with that approach. Enclosed is a copy of our All Agreement State letter which notified you about the changes in the NRC inspection frequency.

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Comment 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."

Response

The Material Certification and Procedures Branch in NMSS is reviewing data on tubehead leakage from the AECL theratron-80. A revised sealed source and device evaluation sheet will be issued which will address maximum loading and headleakage measurements. Copies of the evaluation sheet will be distributed to all Agreement States. We have also incorporated into the draft regulatory guide and standard review plan unambiguous wording that will inform teletherapy licensees and license reviewers of our position on NCRP Report 33 criteria. Regarding the proper maintenance and replacement of take-up reels on the AECL units, we notified all Agreement States of this problem by letter of August 7, 1984 which had as an enclosure the AECL advisory on this matter. Our letter recommended that each teletherapy licensee and each service company be informed of the AECL advisory. We consider this matter closed.

Comment 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."

Response

The draft proposal concerning emergency response plans for nuclear fuel cycle and material facilities was a very preliminary document. Its early release was intended mainly to keep you informed and to solicit early input. As this effort evolves, we will seek your further comment. We will also be interested in receiving comments from individual States as noted in Mr. Mobley's letter.

Comment 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."

Response

We look forward to working with the Conference and the State of Texas in providing input and receiving reports from the computerized data

OFFICE	We look forward to working with the Conference and the State of Texas						
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system. We worked with the Conference in developing their State profile system.

Comment 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."

Response

We recognize that there are different limitations regarding the exclusion of information from public disclosure. It is necessary to keep this in mind when exchanging information which is proprietary.

Comment 11

"The States are very concerned with the indiscriminate use or abuse of the Lixiscope device."

Response

We request that any specific regulatory problems regarding the transfer or use of the lixiscope be referred to us in writing for consideration. The comment as submitted provides no information which would require us to take action at this time. Previously identified specific problems concerning this device have been addressed.

Regarding the location of the 1985 meeting, there are a number of factors we must consider in selecting a particular location. We believe that locating this year's meeting close to the NRC Region I office provided for positive interactions between State representatives and the Regional staff both during the meeting and in separate discussions. We expect to hold next year's all Agreement State meeting in the Washington, D.C. area. We will inform you of the specific dates and location in early 1985.

Sincerely,

Original Signed By

G. Wayne Kerr, Director
Office of State Programs

Enclosure:
All A/S Ltr. dtd. 8/8/84

cc: All Agreement States

See attached sheet for distribution.

see previous concurrences:

OFFICE	SA <i>HL</i>	SA <i>DA</i>	NMSS <i>RC</i>	OSP <i>GK</i>	EDO		
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DATE	12/3/84	12/3/84	12/28/84	12/3/84	12/ /84		

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Sincerely,

G. Wayne Kerr, Director
Office of State Programs

Enclosure:
As stated

See attached sheet for distribution.

His - WML 11/26

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Distribution:

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1984 All A/S Meeting

(fc), w/incoming

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