

DEPARTMENT OF HEALTH AND ENVIRONMENT

Barbara J. Sabol, Secretary

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Topeka, Kansas 66620
913-862-9360



March 18, 1985

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

Dear Mr. Nussbaumer:

This refers to the recent proposal to amend 10 CFR Part 35 and adopt new review and inspection procedures for NRC nuclear-medicine licensees.

The Kansas program has reviewed the proposal and wishes to provide the following comments:

The amendments to part 35 which add many of the items, issues, and practices now found in licensing guides and staff position papers are appropriate and a normal part of a properly developed control program. There are, of course, a number of minor points where editorial changes are obviously needed. Mr. Aubrey V. Godwin's letter of February 14, 1985 to N. Palladino outlined many of these and I will not repeat them here. The major difficulty identified by our review is the proposed procedure which authorizes a licensee to make very significant changes in procedures and facilities without interacting with the licensing agency. If this were only an NRC policy the state would probably not bother to comment, since the commission staff has suggested that this approach is not a matter of compatibility. It can become a serious concern for the state when physicians in one area identify a significant difference in their colleagues treatment in another. The programs in both cases suffer a loss in credibility. Our review indicates that the suggested change is unnecessary. The only gain perceived is a reduction in effort at the license review stage effort which is obviously lost at the inspection stage.

It is our hope that you will find these comments useful and a modification which does not further divide the state and federal practice in this regard can be found.

Sincerely,

David A. Romano

D. Romano
Bureau Manager
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