



New England Medical Center

February 5, 1997

License No. 20-03857-06  
Docket No. 030-01868  
Control No. 122842

US Nuclear Regulatory Commission  
Region I  
475 Allendale Road  
King of Prussia PA 19406-1415

Attention: Charles W. Hehl, Director

Dear Mr. <sup>Bill</sup> Hehl:

We are in receipt of your letter of January 28, 1997, which constitutes denial of our application to exempt certain requirements of 35.410 and 35.415 for permanent implant patients on whom the provision of a requirement for written instruction in how to minimize exposure to others is impractical. As stated in our request, the dose rates from these patients are far below the upper limits for patients for whom release under 35.75 is allowed, and the request is to allow for the better post-surgical care of these patients in recovery by avoiding the need for a private room. This denial requires that such patients continue to be treated in a less than optimum manner relative to their medical needs to avoid a non-existent radiation risk to their caretakers. Suggestion that we provide contingent instruction prior to surgery made no sense, since recovering surgical patients are in no condition to advise their caretakers of their implants.

Fortunately, at the same time we received your denial letter, we received via e-mail the notice of the NRC revision on the rule on release of such patients. The revised rule appears to do exactly what we desired in that it eliminates the need for such written instruction if it is unlikely that doses from such patients to members of the general public will exceed 100 mrem. Since our request involved patients who would clearly fit this criteria, the revised regulation, which goes into effect in May, will easily fulfill all our needs. It appears that the NRC personnel who were reviewing our request over the past two years were unaware of the impending regulations change. Reference to the impending change would have been much more helpful to us than the denial notice that was sent.

Regards,

*Frank Massé*

F.X. Massé CHP CMP  
RSO and Radiation  
Committee Chair

F.X. Massé, C.H.P., C.M.P.  
Radiation Safety Officer

Thomas McMahon  
Health Physics Section Head  
Associate Radiation Safety Officer

NEMC #787  
750 Washington Street  
Boston, Massachusetts 02111

Tel: (617) 636-6168  
Fax: (617) 636-7777



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Tufts University School of Medicine

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