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July 3, 2003

Jill Lipoti, Ph.D.
Assistant Director
New Jersey Department of Environmental Protection
Radiation Protection Programs
PO Box 415
Trenton, NJ 08625-0415

SUBJECT: INQUIRY REGARDING RELEASE OF PATIENTS UNDER 10 CFR 35.75

Dear Dr. Lipoti:

This is in response to your May 30, 2003 letter regarding an incident involving a patient receiving a dosage of iodine 131 who was subsequently released and set off the radiation monitor at the Lincoln Tunnel while on public transportation.

The NRC appreciates you bringing this particular incident to our attention. We agree that it's important that patients are given proper instruction to minimize the dose to other members of the public when treated with radioactive material and then released from the licensed facility. This particular aspect of the licensee's program is routinely reviewed by our inspectors and its importance emphasized.

You also indicated that the installation of new radiation surveillance equipment at bridges and tunnels will likely increase the number of similar type incidents. We share your concern and, in response, are preparing an Information Notice (IN) to make licensees aware of these types of incidents. The IN will also highlight both the importance of licensees providing required instructions to patients prior to their release and the potential benefit to licensees of providing some type of written information to individuals who have received licensed byproduct material for diagnostic, therapeutic, or research medical purposes when 10 CFR 35.75 release instructions are not required. This Information Notice will be distributed to all NRC medical licensees. To ensure that Agreement States are made aware of this Notice, we will coordinate with the Office of State and Tribal Programs to distribute the Information Notice to the Agreement States.

Regarding your suggestion for the use of a patient identification card, this matter was brought to the attention of the Agency's Medical Projects Working Group and its Part 35 Implementation Group. Both groups, and management of the Division of Industrial and Medical Nuclear Safety, concluded that issuing such a directive to licensees would be outside the scope of the regulations, burdensome, and, for some licensees, potentially unjustifiable. However, as noted above, when advised of this problem area, some licensees might decide that providing some type of written information, perhaps an identification card, to individuals who have received licensed byproduct material would be beneficial/useful to licensees and to their "clients."

J. Lipoti
New Jersey Department of Environmental Protection

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If you have any further questions regarding this matter, please feel free to contact me or Pamela Henderson, Branch Chief for the Division's Nuclear Materials Safety Branch 1 at 610-337-6952.

Thank you for your cooperation.

Sincerely,

Original signed by George Pangburn

George Pangburn, Director
Division of Nuclear Materials Safety

J. Lipoti
New Jersey Department of Environmental Protection

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