



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

NOV 15 1979

Ref: SA/ECA

Mr. David K. Lacker, Director  
Division of Occupational Health  
and Radiation Control  
Texas Department of Health  
1100 W. 49th Street  
Austin, Texas 78756

Dear Mr. Lacker:

Identified below are licensees in Texas who were confirmed to have received Xe-133 shipments from Oak Ridge National Laboratory (ORNL) during fiscal year 1978. ORNL is, among others, a non-FDA-approved Xe-133 supplier; i.e., it does not hold an FDA-issued IND or NDA for supplying Xe-133. These State licensees were mentioned by Nuclear Pharmacy, Inc's. (NPI) response to an NRC Notice of Violation.

Methodist Hospital  
Houston, Texas

Texatope Pharmacy  
San Antonio, Texas

It was noted during NRC's investigation of the NPI violation case, that apparently some ambiguity exists in the NPI License Condition No. 15 (Standard License Condition No. 55) which reads as follows:

Radioactive gases as free gas or in solution, to be administered to humans, shall be procured from a supplier who distributes the product indicated for human use in accordance with the Food, Drug and Cosmetic Act.

Further clarification or even replacement of this License Condition for involved licensees is expected soon.

This is a request for you to review the identified licenses to determine if the above License Condition in the same wording, or similar wording, is used, and notify us of the results of your findings.

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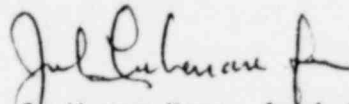
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Mr. David K. Lacker

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Based on your review of the licenses you may want to initiate enforcement action against the licensees.

Sincerely,



G. Wayne Kerr, Assistant Director  
for State Agreements Program  
Office of State Programs

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