Medical Center

2215 Fuller Road
Ann Arbor, MI 48105

(24)

Veterans Administration

DOCKETED USNRC DEC - 1 1980 Office of the Secretary Docketing & Service Branch GH

November 24, 1980

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

ATTENTION: Docketing and Service Branch

DOCKET NUMBER PROPOSED RULE PR 2
45FR 66754

Dear Sir:

The proposed general statement of policy and procedure for enforcement actions (Federal Register, Vol.45, No.196, October 7, 1980) does not seem appropriate for nonprofit organizations, especially hospitals. Monetary penalty for a violation in a hospital setting would not deter future noncompliance more effectively than a notice of violation and/or a cease and desist order. The goals of the NRC enforcement program will not be greatly enhanced by civil penalties issued against a hospital administration. The concept that a licensee "will not benefit by violating NRC regulations" by policy making assuring "that noncompliance is more expensive than compliance" should not be applicable to patient care facilities that presumably function for the benefit of the patient and not for profit. The written NRC directive to cease and desist; or to take other action is ample deterrence in terms of jeopardizing patient care.

The list of violations for the various severity levels for Health Physics 10CFR Part 20 are ambiguous and require value judgements by the inspector.

(1) "Failure to follow requirements that substantially reduces the margin of safety" is vague and should be deleted. The levels of radiation present in most hospitals are a proven benefit to the patients without scientifically demonstrable somatic or genetic effect in humans. "Margin of safety," in a hospital setting, should be defined before failures that reduce this margin are meaningful.

(2) The violations involving radiation levels in an unrestricted area are meaningless. Patients injected with diagnostic doses of radiopharmaceuticals emit a radiation level in excess of 5mrem in one hour depending on how and where the exposure rate is recorded. To prevent civil penalties in Severity Levels III and IV, the patients must be exempt, confined, or the entire hospital must be redesignated as a restricted area.

A high degree of discretion must be exercised in issuing a civil penalty to a hospital for violations that are poorly defined or meaningless. In dealing with hospital health physics, the past NRC framework of inspections, notice of violation, enforcement conferences and orders seems more effective in deterring noncompliance.

Sincerely,

12/1/80

Cheryl Culver

CHERYL CULVER, M.S.

In Reply Refer To:
506/113

8012170243