



November 10, 1993

William Parler
Office of General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mallinckrodt Medical, Inc.
NMA Medical Physics Consultation
9457 Midwest Avenue
Garfield Heights, Ohio 44125
Telephone (216) 663-7000
Facsimile (216) 663-6214

Dear Mr. Parler:

Pursuant to our telephone conversation of Monday, November 8, 1993, with Frank Costello, I am writing requesting an official interpretation of the NRC regulations regarding the need to include a remote treadmill room on the NRC license. This area has been viewed by most licensees as a room not too unlike that of a patient's room where a dosage is carried to the room, the trained nuclear medicine personnel inject the dosage, all spent syringes, needles, gauzes, etc., are returned to the nuclear medicine department and a survey is performed to ensure a lack of contamination. The patient then is transported to the nuclear medicine department for the heart images. No radioactive materials or radioactive waste are received or stored here. To include this room would be tantamount to including every patient room in the institution. It is certainly understandable that a dedicated nuclear medicine treadmill room be included in the nuclear medicine license, since that room would be an integral part of the "facility" and would usually be contiguous with the imaging room. (See definition of "facility" on next page). The usual case however is that the treadmill is used both for radioactive testing as well as non-radioactive testing. To include this area as a controlled area would cause many problems as indicated below:

1. Will the non-occupational personnel who use the room require film badges? It may be that that room is used for one patient per day or even one patient per week. This would place an unnecessary burden on the licensee to constantly supervise this room.
2. Are signs necessary? It would certainly seem that 20.204(b) and 20.1903(1) would exempt this room since both of these regulations in essence state that signs are "not regulated....(if).....materials are constantly attended.....by an individual who takes precautions necessary to prevent exposure.....".
3. What would the requirements be for wipe testing and surveying this remote area?

4. If this is to be deemed a restricted area, then all of the conditions pertinent to a restricted area would need to be followed. It is commonplace for these areas to have coffee, donuts, etc., for patients as well as workers. This practice would have to be terminated, even though it may be that most of the time there would be no radioactive materials present. By making a requirement to have this room added to the license implies a restricted area for the licensee.
5. Many institutions (due to lack of space) have a remote injection station to prevent patients from entering a restricted area. Sometimes it is in the hall. Does this mean that the hall is now a restricted area?
6. If the room is indicated on the license as a place of use, it would mean that by its nature, it is a restricted area.
7. There are certain rooms that are usually used for brachytherapy and radiopharmaceutical therapy patients (but also by non-radioactive patients). If treadmill rooms require licensure, then do these therapy rooms? If so, all the aforementioned questions apply.
8. Treadmills are very mobile. If one is moved to a new location (which happens often), does it require a license amendment? Of the approximately 500 hospitals and clinics that we consult to nationwide, I would guess that most do not list the treadmill room.
9. What about mobile licenses? Some of these move a camera into the same room of the hospital every time they visit. Why should they be exempt, if treadmill rooms are not?

The Federal Register, Vol. 51, No. 200, published Thursday, October 16, 1986 suggests on page 36935 (S-9 of the Regulatory Guide 10.8) that amendments are necessary for 1. authorized user, 2. RSO, 3. teletherapy physicists, 4. new use, 5. when you terminate one location and initiate another and, 6. satellite locations, the latter presumably meaning another hospital or clinic under the management control of the licensee.

Federal Register, Vol. 51, No. 200, published Thursday, October 16, 1986, page 36937 (S-11 of Regulatory Guide 10.8) identifies "address of use" as building(s) where byproduct material is used - "street address". "Facility" refers to a room or contiguous rooms and explains these to be offices, imaging rooms, dosage preparation rooms, and waste storage areas. It does not imply to me that a small perhaps rarely used remote treadmill room would satisfy this definition. "Area of use" is defined as space used for receiving, handling or storage of radioactive byproduct materials. I don't feel that the intent of this definition was to include such a remote room either

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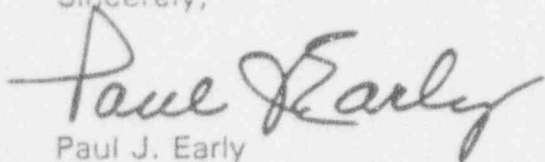
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Based on this information, and because I am a Director of a large medical physics consultation program, I am requesting an official interpretation of this regulation so as to advise our clients as to how to proceed.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Paul J. Early". The signature is written in dark ink and is positioned above the typed name and title.

Paul J. Early
Director, NMA Medical Physics Consultation

PJE/amc