neh minutes E. A. Rogers, E.D. Timeter of Postth , out I portunt of Bealth Diate House Station, Box 94757 Line in Mebrania 68500 Doar Dr. Rogurs: Thank you for the cooperation and courtesics extended by your staff to our appropriatives during the September 25 and 27 meeting in Mine in. We regret that your illness on the 27th prevented a curnary discussion of the recting with you as was originally planned. In constitute with our policy of providing Agreement States with our views conserming the State's progress, we would like to take this epecitualty to provide you with our comments and a gostions based on this meeting and the other information provided us by the State. Our general conclusion is that the State's radiation control program io being effectively administered. This is noted in the quality of libenses issued by the State, the information contained in several licensing and campliance files that we reviewed during the mosting, the information developed during the meeting and the material received from the Otate wider the exchange of information program. Although our roriew of State Rediction concrol programs is concerned principly with agreement meterials, we are, of course, interested in the everall effectiveness of a State's total radiation program. It is our understanding that Nebrasha's activities in the inspection of rallium users have been limited due to a shortage of personnel. We also note that Dr. Johnson, e U. S. Public Health Service assignee, will probably leave the Rediclopical Bealth Division at the end of the current fiscal year. It is our understanding that if he is not replaced, the X-ray inspection progress will be seriously impaired. Ve, therefore, urge the State to take such steps as may be necessary to cosmo that an adequate manber of qualified personnel are available to maintain a balanced effort in each aspect (i.e., agreement naterials, redium and radiation machines) of the radiation control program. 9101110027 900829 KARMAZ 190-264

During the meeting, we reviewed several reports of impections conducted by the State. Although these reports indicated that the scope of the impections was commensurate with the hazards involved, the information recorded about tems of noncompliance was brief. We suggest that consideration be given to including more detailed information to substantiate items of noncompliance noted during the inspection. It has been our experience that this information is injurant if formal enforcement action must be taken or if the licensee questions these items. We also discussed the importance of reviewing the results of each inspection with an appropriate member of licensee ampagement to assure that management is some of any items of noncompliance or safety items noted during the inspection and to afford the State an opportunity to determine management's attitude toward radiation safety.

We feel that radiological emergency plans contribute significantito the total effectiveness of a State's radiation control program. In this regard, we are pleased to note that informal arrangements have been made with several State agencies to provide notification and/or transportation to the Department in the event of suspected for real radiological emergencies. We hope that you will give consideration to formalizing those arrangements and such other procedures as may be needed to assure that the State is prepared to respond promptly to any radiation emergency.

I hope the above comments and suggestions will be useful. If you have any questions regarding them, please let me know.

Sincerely yours,

Eber R. Price, Director Division of State and Licensee Relations

cc: Ecinz G. Wilms
Eirector of Radiological Health

bcc: R. H. Engelken, CO D. I. Walker, CO:IV

> *Concurred by phone 11/2/67

OFFICE &	SLR:SAB	SIR:SAB	SIR:TA	CO:IV	SLR:DIR	SIR:DIR	
SURNAME »	BHWeiss:dm	BIHarless	JRMason	DIWalker*	ERPrice		
P. CTT.	11/3/67	11/ /67	11/ /67	11/2/67	11/ /67	-	

The State's licensing policies and procedures closely follow those of the AEC. As of September 30, 1967, Nebraska had a total of 71 licenses, not including several out-of-state licenses. Wilms evaluates all license applications and signs all licenses and amendments. Medical lic ses and amendments are co-signed by Dr. Rogers. Our review of Mebrasia licenses indicated only minor variances from similar AEC licenses.

During the meeting, we reviewed several license files for adequacy and completeness (Appendix B). In the cases reviewed, the licensing actions were adequately supported by the information contained in whe files. A few minor discrepencies were discussed with Wilms.

The Registration and Licensure Committee of the Radiation Advisory Council revie: all requests for non-routine human uses of isotopes. This committee consists of Drs. Maurice Frazer (Radiologist), Harlan Papenfus: (Pathology), Howard Hunt (Radiologist) (new), and H. J. Wegener (Dentist). The Radiation Advisory Council reviews decisions of the cammittee at its quarterly meetings and sooner if the committee has a difference of opinion.

The AEC staff met with Dr. Maurice Frazer, Chairman of the Registration and Licensure Committee at his office and discussed AEC medical licensing policies, the manner in which the AEC's Medical Advisory Committee functions and the present relationship of the ARC to FDA.

Registration

As of the review meeting, the State has registered 1461 facilities which possess 2188 x-ray units. The Division of Radiological Health is restricted by its enabling legislation from registering hospitals and related institutions. The Division does obtain the relevant information from another Division of the Health Department and inspects the hospital facilities as if they were registered.

Forty-seven persons have been registered for the possession and use of radium and radon. No inspections have been made of persons possessing radium unless they also possessed agreement material. Wilms indicated that the shortage of personnel has prohibited an agressive radium control program.

Compliance and Enforcement

Five inspection files were reviewed by the CO:IV representative. The inspection reports indicated that although the scope of the inspections was commensurate with the scope of the licensee's program, information documenting items of noncompliance was very brief. The report of the CO:IV representative is attached as Appendix F.

Nebraska does not use a priority system similar to that of the AEC. Inspections, in general, are performed on an annual basis. It was pointed out that this frequency may be too great for many licenses, especially in view of the lack of radium inspections due to a personnel shortage.

Nebraska officials estimate that they have inspected approximately 75% of the registered X-ray machines in the State. They anticipate completion of the initial inspection of all X-ray machines by May 1968. The State does not plan to make reinspections and follow-ups if a replacement for Dr. Johnson is not obtained.

Emergency Capabilities

The Division of Radiological Health has arranged to use the communications networks and transportation facilities of the Department of Civil Defense, Highway Patrol, Fish and Game Department and Department of Roads in the event of a radiation emergency. These arrangements are informal at the present time. Wilms intends to formalize an emergency plan as soon as possible. AEC staff suggested, and Wilms concurred, that portions of the plan should be formalized as each becomes finalized without waiting for the entire plan to be acted on by each agency involved.

Budget

The budget for the Division of Radiological Health for the present biennium is \$64,355. (The legislative appropriation for the entire Department of Health is attached as Appendix E.) This is a reduction of \$9,286 from the previous biennium and \$76,419 less than the budget requested by the Governor.

It should be noted that the funds for the Radiological Health program are appropriated as a separate item in the Department of Health appropriation. This procedure would not allow transfer of funds from other Department of Health programs without legislative approval.

LIST OF APPENDICES

- A. Agenda
- B. License File Review
- C. Questions For Review Meetings
- D. Nebraska Legislative Bill 922
- E. Nebraska Salary Schedule
- F. Division of Compliance Report

TOPICS FOR KERNOKA-AEC REVIEW MEETING 1. Changes in organization, personnel, and personnel an ignments, since last review meeting including additional training, if any, received by State personnel 2. Regulations: Discussion of changes to AEC regulations and petitions Discussion of changes to State regulations 3. Current State licensing activities including: Number of licens "actio" (i.e., new licenses, amendments, renewals) Unusual license communons Licenses of special interest including broad licenses Evaluation of new devices and sealed sources Unusual requests for medical uses 4. Current AEC licensing policies and practices: Noz-modical Medical 5. Current State compliance and enforcement activities: Imprection workload Clumbes in priority system Incidente and overexpassives Unusual exforcement actions 6. Current AEC compliance and enforcement activities 7. State experience in regulation of non-agreement materials and radiation-producing machines 8. Specific types of information or assistance needed from AEC ' 9. Review of several State license and inspection files 10. Summary of review meeting APPENDIX A

LICENSE FILE REVIEW

Warren Quentin Bradley, M.D. Lincoln, Nebraska Lacense No. 02-06-01

License is a replacement for an AEC license. It authorizes the use of I 131 and P 32 for various diagnostic and therapeutic uses. There has been no change from the AEC license transferred. Dr. Bradley requested to be authorized to use I 131 for the treatment of thyroid carcinoma and increase the possession limits of 1 131 from 30 millicuries to 50 millicuries. The State requested more information on training. Licensee had not answered and no action taken on the request. Licensing actions appeared to be adequate and appropriate.

Railroad Electronics Laboratory, Inc. Omaha, Nebraska License No. 01-10-01 GL

Licensee is authorized to possess and install Am 241 contained in pyrotronics fire alarms. Original application contained adequate information except that the State requested to see a copy of the training manual used for the Pyrotronics one week training course. The license was issued after submittal of the training manual. Licensing actions appeared to be adequate and appropriate.

Dow Chemical Company Dowell Division Tulse, Oklahons Licerse No. 99-04-01

License authorizes the use of several isotopes for fracture locations and cement placement in wells, I 131 as an acid tag for tracing studies, and Cs 137 sealed source for determining density of slurrier. The license is an almost exact copy of Dow's AEC license. Nebraska requested a manual for operating Cs 137 gage. License was issued after the manual was received. Licensing actions appeared to be adequate and appropriate.

University of Mebraska University Health Center Lincaln, Nebraska License No. 02-01-04

This license is a broad medical license which superfedes the University's former complicated specific license. The submission from the University was rather long. Procedures covered applications to Isotopes Committee,

CUBTIONS FOR REVIEW MEETINGS

A. Personnel and Training

- 1. Estain a copy of the current organization chart.
- Organization charm in the same as in the formal submission.

 2. That persons are specifically assigned to licensing, compliance, laboratory, redistion machine inspections, etc., activities?

Heinz Wilms - Limensing, material inspection and overall administration order Johnson - Registration, x-ray inspection, environmental surveilled education activities

Ellis Simmons - I-ray inspections

3. To you have any maw personnel in the resistion control program? If
so, obtain training and experience resumes for these persons. Do you
have any vacancies in the Radiation Control Program?

No new personnel

Edward Williams transferred to the Division of Leberstandes

Edward Williams transferred to the Division of Laboratories Orlen Johnson's essignment ends in June 1968

No vacancies

4. Tave any of your personnel received additional training since the last meeting? If so, specify the individual, the nature of the course and the duration of the course.

Ellis Simmons - 3 week Applied Health Physics Course Orlen Johnson - Excionuclide Analysis by Gamma Spectroscopy (PHS - 2

5. Lave there been ary changes in assignment of personnel?

No

6. That are the salary ranges for personnel in the Radiation Control Program?

See Appendix E

B. Licensin Letivities

 Who exploites license applications and who approves the issuance of a license?

Wilms performs most evaluations. Wilms signs all licenses and Health Director also signs medical licenses.

2. Do you have a licensing backle,? If so, now many and why?

No.

5. Are all known radium abora licensed (or registeres)" | How kany are there? Are your licensing procedures for radium the same as for agreement materials?

All known radium users are registered. 47 radium and/or radon registrants.

4. Do you conduct prolicensing visits? If so, how do you determine which applicants are visited? Approximately how many prelicensing visits have you made since the last meeting?

Only for new applicants. None since last meeting.

5. Have you instituted any new procedures for evaluating license explanations?

No.

6. What wheshel specific exemptions from your regulations have been greated since the last models.

None.

7. Mail the or unusual uses of radioactive materials have been alconomy

None.

8. What is your system for notifying licensees of the impending expiration of their licenses?

A notice is sent 60 days before the expiration of the license. The secretary maintains a tickler system for followup.

9. Have you developed any licensing guides? If so, we would like to have wantes. None completed. 13. Are your license files, including license applications, available for public inspection? Only licenses are in public file. Public can see application, if requested and is not proprietary information. 11. What is the total number of registrants? Do you feel all redictionproducing machines have been registered? 1461 facilities registered with 2183 X-ray units. Most have been registered. Still finding unregistered units. C. Evaluation of Modical Uses 2. To what extent do yes use your sected advisory committee in evalue ing applications for modical spes of recloactive material? Obtain current list of members and their affiliations. Committee evaluates all non-routine applications. Dr. Maurice Frazer (Radiologist), Dr. Harlan Papenfuss (Pathologist), Dr. Howard Hunt (Radiologist) (new), and Dr. E. J. Wegener (Destist). 2. Do you use your modical advisory committee as a committee or do you consult with members individually? Only as a whole committee. 5. Do you require a research protecol similar to that required by the Add in evaluating new or unusual medical uses? Are processis distributed to the Medical Advisory Committee for their review and evaluation? Do you require reports of results of nonroutine uses? Normally will follow AEC protocol requirements. 4. To what extent have you issued broad modical licenses? Do you examine the qualifications of members of the footope termittee and their procourted for approving new uses and users? Do you require such licendees to report new uses and results of these studies to you pariodically? One troad medical license - University of Nebraska Qualification of the isotope roxittee members was evaluated. Nebraska requires reports of isotope approvals. 2. Compliance Activities 1. What is your inspection workload in terms of men-days per month or percentage of time spent on agreement material inspections? 3-5 man-days per month. C-3

2. Is your inspection workload current or are there evereus inspections? if there are everese inspections, now many are there and what type? Essentially current (4 overdue). 1. How do you determine inspection frequencies and need for reinspections? General policy is to inspect each licensee annually. 4. What is your policy regarding announced vs. unannounced inspections? Inspections are generally announced. 5. Can you obtimite the average length of time you spend inspecting & syptest radiographer - 3 hours private practitioner - 1 hour edical institution - 2 hours whiversity - up to 15 hours 4. What type of instruments do your inspectors normally carry on inspection Visits? What types of surveys do you make during an inspection? G-M, cutie pie and R meters. Will take wipes, when indicated, radiation levels and measure the output of a teletherary unit. 7. Do you write as internal report for all inspections? New are such reports processed including supervisory review? Report is made from inspector's notes and inspection form. Wilms performs essentially all materials inspections so that there is no supervisory review. 2. With that level of management do you orally discuss inspection results? 9. Does the inspector make specific suggestions for corrective action to be taken by the licensee? Yes. 18. Are inspection reports utilized in future licensing actions? No cases yet. 11. Mave you noted any licensees who are in apparent nonecapliance with AND regulations? If so, we would appreciate your notifying our Regional Compliance office of such occasions. Troxler violated ASC and Nebraska regulations. AEC was notified.

12. Do you inspect out-of-state firms licensed by you or working under reciprocity in your state? Have not yet. Condition in license allows Nebraska to request notification when entering State. 13. Have all radium users in the state been inspected? West percent of these users are in compliance? 10% inspected. Most in noncompliance. Radium inspection program not active at present. 14. What percentage of the registrants in the state have been inspected? What percent of the medical, dental and industrial users are in compliance? 75% of the non-dental registrants have been inspected. 100% of dental inspected through SURPAK program. Initial inspections anticipated to be complete by May 1968. Preliminary compliance information indicates 15% of the medical waits in full compliance and 50% of the dental units in full compliance.

E. 1. Describe your compliance enforcement procedures. Do you follow a system similar to the AEC's 591, 592 formal report system?

Jse form similar to AEC 591. All others receive a letter.

2. Who signs letters going to licensees notifying them of inspection results and how do you determine to whom letters of mancompliance should be directed?

Wilms generally signs all letters. Letter usually goes to the person

in management who was spoken to.

3. Now o you handle oral and written discussion of poor practices (safety items) which are not specifically violations of the regulations or a license condition? Examples are poor calibration procedures, poor ventilation systems and next for bioassays.

Discussed with management. Lot written.

4. What has been the extent of enforcement actions taken against licensees?

Letters requiring answers in 30 days.

G. Laboratory Facilities and Services

- 1. Do you analyze smears, air samples, water samples, etc., which are collected during an inspection, in your hadiological health organization or coes some other division provide these services?

 Division of Radiological Health does analyses.
- 2. What is the time delay in obtaining results of analyses of such samples?

 None.
- 5. Do you have any difficulty in obtaining "immediate results in emergency situations?

 No.
- 4. Do you, or the persons providing laboratory services for you, have the capability for analyzing most types of samples which you might submit?
- Yes. Cannot analyze low energy gammas or most bioassays.
 5. If not, how would you arrange to rave unusual types of samples analyzed?
- Send to V.A. Hospital at Omaha or PHS labs.

 6. Do you have facilities for calibrating all types of instruments which you possess and use? 20 mCi Co 60 source, n source at Omaha V.A.

 Hospital and X-ray checks at University of Nebraska.

 Emergency depublishes
 - 1. Do you have a formal plan for responding to emergencies?

 Not yet. Working with several other state agencies.
 - 2. What arrangements have been made for a statewide communications network for use in conjunction with radiation emergencies?

Fish and Came Department, Department of Roads and C. D. communications systems are all available. State plane is also available.

3. Do you have emergency teams established to respond to emergency situations?

Only Division personnel at Lincoln.

I. Miscella neous

1. That problems have you encountered in the reciprocal recognition of licenses?

None.

2. Have you evaluated any new sealed sources or devices of which we are not aware? We would like to receive a copy of evaluation sheets prepared for such items. 3. Zow do you use your technical advisory committee (other than medical) in your program? There are several subcommittees of the Radistion Advisor, Council used for various functions. The full council meets quarterly. 4. What is your budget for the current Siscal year? . \$64,355 for the biennium (July 1967 through June 1969). Program? 6. Decrease of \$9,286 over last biennium.

5. Decrease of the funds from PLS, Decense Dept. or other sources? PRS - \$36,800 for present biennium (included in \$64,355) 7. Do you plan to incorporate recent changes in AEC regulations in your Tegulations? It is planned to incorporate changes in fiscal 1969. C-8

LEGISLATURE OF NEBRASKA

SEVENTY-SEVENTH SESSION

Legislative Bill 922

FINAL READING

Introduced by Committee on the Budget, Richard D. Marvel, 33rd
District, Chairman; John F. Knight, 26th District;
Ramey C. Whitney, 44th District; W. H. Hasebroock,
18th District; Fern Hubbard Orme, 29th District;
Henry F. Pedersen, Jr., 4th District; Stanley A.
Matzke, 24th District; George C. Gerdes, 49th
District

Read first time May 25, 1967 Rules suspended. Placed on General File Sent to printer May 25, 1967 Final form sent to printer June 27, 1967

A BILL

FOR AN ACT making appropriations for the state government of the State of Nebraska for the biennium begin ing July 1, 1967, and ending June 30, 1969; to recite limits and conditions on the expenditure of funds from the appropriations so made; and to declare an emergency.

Be it enacted by the people of the State of Nelibraska,

Section 1. "he definitions pertaining to program

- 2 and agency titles ontained in the Accounting Manual on
- 3 file in the office of the Clerk of the Legislature are
- 4 hereby adopted by the Legislature as the definitions

13 the sum set opposite such program in column (f1) of this

5 for this act.

				Fund Distr	ribution		
			Total	General	Cash	Federal	
		(E) JUDICIAL	Appropriation	(G) Fund	(C) Fund	(F) Fund	
			By Program		Estimated	Estimated	
		Sec 2. Supreme Court Agency No. 5					
	2	(1) Program No. 391 - Office of the					
	3	Clork	\$330,070	\$338,876			-
	4	(2) Program No. 394 - Judicial Nominating					
	5	Commir ives	2,500	2,500			
	6	(3) Program No. 531 - Court of Industrial					
	7	Relations	12,500	1: 500			
	8	(4) Program No. 385 - Office of Reporter	37,5%	77,530			
	9	Appropriate for the accomplishment of the pro-			/		
1	0	grams in subsection (1) to (4) of this section from					
1	1	the General Fund to Agency No. 5, for the biennium					
1	2	ending June 30, 1969, for salaries, wages, and expenses,					

		Total	General	Cush	Federal
		Appropriation	(G) Fund	(C) Fund	(F) Fund
		By Program		Estimated	Estimated
15	\$05,000, then appropriate for the accomplishment of the				
16	programs of subsections (1) to (4) of this section all				
17	mash funds received for such programs by Agency No. 10				
18	for the hiennium ending June 20, 1960, for colories,				
19	-wagen-aud expenses, the sure set expecite cush-pro-				
20.	grams in column (C) of this section.				
21	For Informational I'n poses only				
22	Total Appropriations by Agency No. 10 and				
23	Dead Berese	\$000,043	-	-9899,945	
	Sec. 35. Department of Health - Agency No. 20				
2	(1) Program No. 029 - Departmental Administra-				
3	tion	\$295,710	\$149,429		\$146,281
4	(2) Program No. 174 - Supporting Service -				
8	Laboratory	250,566	150,899		99,667
6	(3) Program No. 512 - Vital Statistics	258,759	258,759		
7	(4) Program No. 513 - Local Health Service	1,508,174	294,878	23,830	1,189,466
8	(5) Program No. 514 - Environmental Health	616,584	322,632		293,952
9	(6) Program No. 515 - Radiological Health	64,355	27,555		36,800

			Fund Distribution			
		Total	General	Cash	Federal	
		Appropriation	(G) Fund	(C) Fund	(F) Fund	
		By Program		Estimated	Estimated	
10	(7) Program No. 516 - Preventive Health Serv-					
11	ices	\$1,435,178	\$216,109		\$1,219,069	
12	(8) Program No. 068 - Bureau of Examining					
13	Boards - (Enforcement of Standards)	\$306,216		\$306,216		
14	After transferring the unexpended balance in Age	ency				
15	No. 20, reappropriate from such balance to the program	m in sub-				
16	section (4) of this section estimated to be \$7,000, to th	e pro-				
17	gram in subsection (7) of this section estimated to be	\$4,000,				
18	and to the program in subsection (2) of this section es	dimated				
19	to be \$180,000, then appropriate for the accomplishmen	nt of				
20	the programs of subsection (1) to (8) of this section a	11				
21	cash and federal funds received for such programs					
22	by Agency No. 20 and from the General Fund to Agen	cy				
23	No. 20 for the blennium ending June 30, 1969, for					
24	salaries, wages, and expenses the sum set opposite					
25	such programs in columns (G), (C) and (F) of this					
26	section.					
27	For Informational Purposes only:					
28	Total Appropriations by Agency No. 20 and					
20	Fund Nonree	\$4,735,042	\$1,420,201	\$330,046	\$2,080,235	

XIG::Edd:X

MERIT SYSTEM COMPENSATION SCHEDULE Nebraska State Department of Health

RADIO COICAL FEALTH

CLASS TITLE	RANGE NO.	Ā	B	c	D	Ē	F
Director, Division of Radiological Health	32	815	860	905	950	1000	1050
Radiological Health Specialist II	29	700	735	775	815	860	905
Radiological Health Specialist I	27	630	665	700	735	775	815
Radiological Health Technician	22	490	515	540	570	600	630