

minutes

JUL 30 1970

Dr. Henry D. Smith
Director of Health
Nebraska State Department of Health
State House Station
Box 94757
Lincoln, Nebraska 68509

Dear Dr. Smith:

I appreciate very much the courtesies extended by you, Mr. Filipi and Mr. Simmons to Mr. Norelius during the regulatory review meeting in Lincoln on June 11-12, 1970. As Mr. Norelius explained to you, it is our practice to provide each state with our written comments summarizing the results of our review meetings. This letter is to provide you with our comments and suggestions regarding the Department's radiation control program.

Our review covered the technical phases and the principal administrative aspects of the radiation control program. This covered the Department's licensing, compliance and enforcement activities including a review of selected license and inspection files; radiological emergency and environmental surveillance capabilities; the status of the Department's radiation control regulations; and a review of the personnel resources and radiation control budget.

The review meeting showed that the State's licensing procedures continue to be similar to those employed by the Atomic Energy Commission. Several selected license files were reviewed and these showed that, in each case, adequate information was contained in the record to support the licensing action taken by the Division of Radiological Health.

Selected inspection files were also reviewed and, in general, these showed that adequate information is being obtained and recorded to

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document the scope of the licensed activity inspected and the thoroughness with which the inspection was conducted. Mr. Norelius also accompanied Mr. Simmons on inspections conducted during the two days prior to the review meeting. These inspections were adequate to determine compliance with the Department's regulations and the radiation safety aspects of the licensed activities inspected. Some suggestions regarding procedural matters were offered by Mr. Norelius which we hope will be found useful.

The area of major concern, as we see it, continues to be the shortage of personnel in the Department's radiation control program. When the AEC-Nebraska agreement became effective on October 1, 1966, staffing for the radiation control program consisted of three professionals, including a Public Health Service assignee, plus one technician. Subsequently, vacancies occurred in the positions of radiological health technician, the PHS assignee, and the Director of the radiation control program, which had the effect of reducing the staff to one professional for a period of several months. While the position of radiation specialist technician has been filled, there is still a shortage of two professional positions below the original staff. We urge that steps be taken to obtain at least one additional professional staff member qualified by training and experience in health physics. This person is needed to assist in several program areas which require attention, as identified below, and also to provide qualified back-up to the Director in the latter's absence.

Since the previous review meeting in November 1969, and prior to the inspections on which our representative accompanied Mr. Simmons, only four radioactive materials licenses were inspected. While nearly all of the licensees and other radioactive materials registrants have been inspected within the last 18 months, we note that the rate of inspections has decreased significantly in recent months and, if allowed to continue, will create a major problem within the radiation control program.

With regard to the Department's Radiation Control Regulations, Article V of the Agreement, copy enclosed, dated August 29, 1966, provides that "The State will use its best efforts to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials". We hope,

in this connection, that the Department's regulations have not been updated to include amendments adopted by AEC since the Agreement was entered into. While we recognize that certain of these amendments can be administratively applied by the Department, we believe that the regulations should be updated at least every two years. With this in mind, we urge again that the Department initiate steps to bring its regulations up-to-date. A revised copy of the Suggested State Regulations for Control of Radiation was provided to Mr. Simmons during the meeting to assist in updating the regulations. We would welcome the opportunity to comment on a draft of proposed changes to the State's radiation control regulations.

Although our primary area of interest pertains to agreement materials, we encourage the Agreement States to maintain a complete radiation control program covering all sources of radiation. In this regard, we are pleased to learn that the new radiological health technician has begun to perform surveys of the dental x-ray units in the State. However, we understand that there are some 700 to 800 dental units which have never had a complete physical radiation survey and there are some 1,100 other medical x-ray units which have not been inspected since 1958 or before. We recommend that additional effort be made to survey every machine that has not been previously surveyed and to perform inspections of all machines on a planned schedule.

We also note that the Department has an active environmental surveillance program, that the Department is developing radiation emergency response procedures, and that activities regarding non-ionizing radiation sources will likely increase. We believe the workload created by these activities also emphasizes the need for the additional position in the radiation control program, as noted earlier.

I hope the above comments will be useful to you. If you have any questions about them, please let us know. I should like to add that the matter of personnel shortage has been the subject of earlier communications with the Department over an extended period of time. Copies of these letters are enclosed for your convenience of reference. While I recognize that the problem of budget limitations is a universal one, I believe that I should bring the matter to your

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personal attention. If, after considering the matters dealt with in this letter, you believe a further discussion would be helpful, I would be glad to meet with you in Lincoln for that purpose.

Sincerely,

"Signed" Eber R. Price

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

Enclosures:

1. AUC-Nebbraska Agreement
2. Ltr to Mr. Arnold H. Reeve
dat 11/31/68
3. Ltr to Mr. Iona Thompson
dat 10/10/68, 2/23/69 & 4/4/69
4. Ltr to Mr. H. A. Rogers
dat 11/2/67

cc: Mr. T. A. Filipi
Mr. H. James Williams

bcc: RHEngelken, CO:HQ, w/o encl.
DIWalker, CO:IV, w/o encl.

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