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RULE
ADJUTANT GENERAL

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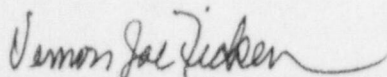
US Nuclear Regulatory Commission
Washington, DC 20555

Subject: comment regarding revision of 10CFR35.27 pertaining to Supervision

35.27 is a section of the regulation that should be deleted in its entirety (or modified to require licensee to request NRC approval) for the following reasons.

1. There is no requirement for a licensee to notify the NRC that it operates in the manner permitted in this section and thus there is no formal way for the NRC to know who is using byproduct materials at a given facility or to inspect the facility for compliance with its internal policies regarding supervision.
2. This section permits an individual to use byproduct materials without the knowledge of the NRC. This appears contrary to all other sections of the requirements pertaining to individuals using byproduct materials.
3. This section is likely to result in a situation where an individual that is not necessarily qualified to use radioactive materials to do so. Continuance of this rule, regardless of the statements in section 35.27(d), also places the NRC in a position of responsibility by allowing a licensee to operate in this manner.
4. Trainees such as physicians, pharmacists, physicists and technologists use byproduct materials only under the direct supervision of an authorized user. This section is not required for trainees. Given removal of trainees from consideration in this matter, the only reason to have a "supervised user status" is to permit an individual with qualification less than those prescribed elsewhere in the various sections of Part 35 to use byproduct materials. On this basis, the rule as described in 35.27 is contradictory to other sections and must be removed (as has already been done by many agreement states) or revised to require that a licensee apply for supervised user program within its license application. The NRC should develop very specific requirements for the supervision program with specific time frame for completion of such status for a supervised user entering such a program.

Sincerely,



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