



STATE OF NEBRASKA

DEPARTMENT OF HEALTH

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MEMORANDUM

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

FROM: *HPR* Harold R. Borchert, Director
Division of Radiological Health
Nebraska Dept. of Health

SUBJECT: Negotiated Rulemaking for Indemnification of
Medical Licensees under Price Anderson Act

DATE: November 17, 1988

Although the Nebraska DOH will not actually participate in the negotiated rulemaking, we would like to make a general statement in support of this effort for Nebraska medical licensees. Nebraska is an Agreement State, therefore, our interest is as a regulatory body. We do not have information on what range of financial protection is currently available to our licensees from commercial sources. However, it is certain that commercial vendors of insurance have limited their risk to some amount.

It seems prudent, therefore to have some kind of safety net, i.e. Price Anderson legislation, in place for medical licensees who use radioactive materials. The rationale for this is that misadministrations do occur in the practice of medicine. Although a diagnostic nuclear medicine misadministration is not generally life-threatening, a therapeutic misadministration could easily be life threatening - particularly for patients who are already in a weakened condition. Therefore, the Nebraska DOH supports the extension of Price Anderson Act to include medical licensees.

HRB:CKR:efn

cc: Howard S. Bellman
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