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FINAL REPLY:

Senator George V. Voinovich

TO:

Chairman Meserve

FOR SIGNATURE OF : ** PRI ** CRC NO: 01-0671

Chairman

DESC:

Part 35 - Medical Uses of Byproducts Materials

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AFFILIATION:	SEN		
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ETHICS

December 13, 2001

Richard A. Meserve, Chairman
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852

Dear Chairman Meserve:

As you know, Congress recently permitted the Nuclear Regulatory Commission to establish regulations to govern diagnostic nuclear medicine. As you know, the FY2001 Energy and Water Appropriations Act contained language that prohibits the Nuclear Regulatory Commission from enforcing 10 C.F.R. Part 35 (Medical Uses of Byproducts Materials) until the Commission issues a report to Congress detailing why the regulatory burden on nuclear medicine can not be further reduced.

It is my understanding that the Office of Management and Budget has recommended that a regulatory analysis of the benefits and costs related to the Part 35 program be performed. Additionally, I understand that Administrator John Graham has encouraged the NRC to undertake an analysis that examines the three prior years before submitting any request to extend the authorization. These recommendations seem to be well-intentioned and consistent with congressional intent.

I am hopeful that the Commission will engage in a deliberative review process that will include collaboration with the Society of Nuclear Medicine, the American College of Nuclear Physicians, and other members of the nuclear medicine community. I believe that such a cooperative effort will ultimately achieve meaningful reform to Part 35 that will improve patient safety without increasing healthcare costs.

I appreciate your attention to my concerns and look forward to your response.

Sincerely,

George V. Voinovich

George V. Voinovich
United States Senator

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