



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 23, 1998

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The Honorable Jim Nussle
United States House of Representatives
Washington, D.C. 20515-1502

Dear Representative Nussle:

I am responding to your letter dated May 19, 1998, regarding proposed revisions to the U.S. Nuclear Regulatory Commission's (NRC) 10 CFR Part 35 regulations on medical use of byproduct material.

The NRC staff has provided its recommendations on proposed revisions to Part 35 to the Commission in June 1998. The proposed rule was developed using an increased public participation process including public workshops; meetings with various medical professional societies (including the American College of Radiology); and the posting of a "strawman" rule text on the Internet for comments. The staff has carefully considered the comments received during these interactions in preparing the proposal. After Commission approval, a proposed rule will be published in the Federal Register for public comment and forwarded to your office for your awareness. We expect to hold additional public meetings during the comment period later this year.

The issue of training and experience has received the most comments during the development of the proposed rule. Viewpoints on this issue have varied. The Commission has received comments both supporting reduction in requirements affecting personnel in the diagnostic area, including those from the American College of Cardiology and the American Society of Nuclear Cardiologists, and comments favoring continuance of the existing requirements. The staff draft, while reducing the number of hours required for certain medical modalities, also specified a focus on radiation safety and proposed that personnel competency be verified through an examination. This proposal appears to be in keeping with the direction the Commission provided to the staff namely, to develop a risk-informed, and where appropriate, a more performance-based rule and it addressed an objection often expressed by some commenters, that NRC requirements sometimes intruded into the practice of medicine.

The Commission will carefully consider the staff proposal in light of public comments. The results of that consideration will then be available for additional public comment and discussion.

Sincerely,

Shirley Ann Jackson