

August 12, 1998

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The Honorable James M. Inhofe, Chairman
Subcommittee on Clean Air, Wetlands, Private
Property and Nuclear Safety
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

An identical letter was sent to
The Honorable Dan Schaefer

Dear Mr. Chairman:

Enclosed for the Subcommittee's information is a copy of a notice of a proposed rulemaking to be published in the Federal Register for a 90-day public comment period (Enclosure 1). A copy of the press release for the rulemaking is provided in Enclosure 2.

The U.S. Nuclear Regulatory Commission (NRC) is proposing to revise its regulations in 10 CFR Part 35, "Medical Uses of Byproduct Material," as part of an overall program to revise the Commission's regulatory framework for medical use. The goal of this proposed rulemaking is to restructure Part 35 into a risk-informed, more performance-based regulation that focuses on those medical procedures that pose the highest risk to workers, patients and the public from a radiation safety aspect, with a decrease in the oversight of low-risk activities. Another component of the program, revision of NRC's 1979 "Medical Use Policy Statement," is being separately published for public comment and transmitted to the Subcommittee.

The process used to revise Part 35 has provided more opportunity for input from potentially affected parties (the medical community and the public) than is provided by the typical notice and comment rulemaking process. Early public input was solicited through several different mechanisms: requesting public input through Federal Register notices; holding open meetings of the government groups developing the revised rule language, including the NRC's Advisory Committee on Medical Uses of Isotopes; meeting with medical professional societies and boards; putting background documents, options for the more significant regulatory issues associated with the rulemaking, and an early "strawman" revision of the draft proposed rule on the Internet and in NRC's Public Document Room; and convening facilitated public workshops. The staff benefitted from these interactions and received many useful comments, which have been incorporated into the proposed rule. The staff has scheduled additional public meetings to solicit input prior to finalizing the rule.

Sincerely,

Dennis K. Rathbun, Director
Office of Congressional Affairs

Enclosures:

1. Federal Register Notice
2. Press Release

cc: Senator Bob Graham

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Part 35 Working and Steering Groups
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NAME	DFlack	CHaney	FCameron	CPaperiello*	DRathbun
DATE	7/30/98	7/30/98	7/30/98	5/21/98	7/12/98

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