August 13, 2007

The Honorable Christopher P. Carney
Member, United States House of
Representatives
233 Northern Boulevard, Suite 4
Clarks Summit, PA 18411

Dear Congressman Carney:

I am responding to your letter dated July 16, 2007, to Ms. Rebecca Schmidt, Director of the U.S. Nuclear Regulatory Commission (NRC) Office of Congressional Affairs. In your letter, you inquired about the status of a license amendment requested by the Nuclear Imaging Group Inc., and assistance in expediting their request.

On March 30, 2007, the NRC Region I Office received a letter dated March 28, 2007, from Nuclear Imaging Group, Inc. requesting to amend their NRC license to perform mobile veterinary services using radioactive materials. This license currently authorizes Nuclear Imaging Group, Inc. to perform mobile nuclear medicine studies using radioactive material pursuant to Title 10 of the *Code of Federal Regulations*, Part 35 (10 CFR Part 35), "Medical Use of Byproduct Material." This part defines "medical use" as the "intentional internal or external administration of byproduct material ... to patients or human use research subjects under the supervision of an authorized user."

The regulations in 10 CFR Part 35, specifically 10 CFR 35.75(a), authorize a medical licensee to release any patient who has been administered radioactive material if the radiation dose to any individual from exposure to the released patient is not likely to exceed 500 millirem. Because the radiation dose to any individual from exposure to a patient released from a mobile site is not likely to exceed 500 millirem, patients can immediately return to their homes and the mobile site can be surveyed at the end of the day to ensure no residual contamination remains.

Use of NRC-licensed materials in veterinary practice is covered by the general regulations of 10 CFR Parts 20 and 30, not 10 CFR Part 35. 10 CFR 20.1301 requires that each licensee conduct activities such that exposure to a member of the public does not exceed 100 millirem in a year. In the case of veterinary treatment, the radiation levels from the animals require that they be housed overnight at a licensed location; contaminated bedding and excreta are required to be held for radioactive decay and surveyed prior to appropriate disposal; and the housing facilities and treatment site are required to be surveyed following release of the animals to ensure no residual contamination remains. This is different from the requirements pursuant to 10 CFR Part 35; however, the licensee has requested to use the same procedures for treatment of animals as they use for human medical use.

At this time, we do not have any licenses authorizing mobile veterinary treatment of animals using NRC-licensed material. Because the nature of this amendment request requires us to review the applicability of regulations and may involve establishing new policy, the regional office staff have requested technical assistance from the Office of Federal and State Materials

and Environmental Management Programs, Division of Materials Safety and State Agreements, located at the NRC Headquarters in Rockville, Maryland. When the technical review is completed, regional staff will contact Nuclear Imaging Group, Inc.

I trust this reply responds to your request.

Sincerely,

/RA/

Luis A. Reyes
Executive Director
for Operations

and Environmental Management Programs, Division of Materials Safety and State Agreements, located at the NRC Headquarters in Rockville, Maryland. When the technical review is completed, regional staff will contact Nuclear Imaging Group, Inc.

I trust this reply responds to your request.

Sincerely,

/RA/

Luis A. Reyes
Executive Director
for Operations

Docket No. 030-36473
License No. 37-30868-01

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