

October 13, 2000

COMEXM-00-0002

MEMORANDUM TO: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner Merrifield

FROM: Edward McGaffigan, Jr. /RA/

SUBJECT: EXPANSION OF NRC STATUTORY AUTHORITY OVER
MEDICAL USE OF NATURALLY OCCURRING AND
ACCELERATOR-PRODUCED RADIOACTIVE MATERIAL
(NARM)

In 1997, while voting on Direction Setting Issue 7, "Materials/Medical Oversight," the Commission indicated its willingness to seek expansion of its statutory authority beyond Atomic Energy Act material to include NARM in an effort to make the national medical use program more uniform and consistent. At that time, the Commission did not pursue such legislation so as not to divert resources from the 10 CFR Part 35, "Medical Use of Byproduct Material," rulemaking initiative. Now that this rulemaking is concluding, I continue to believe that such legislation is a worthy goal especially in light of the comments received on the proposed Part 35 indicating that several States currently have no regulatory authority for NARM.

I propose that the Commission direct staff to provide the Commission with the legislative language that could be used to expand the NRC's statutory authority beyond Atomic Energy Act material to include medical use of NARM. This language should be developed in consultation with the Conference of Radiation Control Program Directors, Inc. (CRCPD) and the National Materials Working Group as part of its efforts to consider the roles and legal responsibilities of NRC, the Agreement States, the Organization of Agreement States, and the CRCPD. I also believe that staff should provide an estimate of the resources needed to implement such legislation.

SECY please track.

cc: EDO
OGC
OCA
SECY