

January 29, 2001

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Dear Dr. Cerqueira:

This is in response to your email to Lloyd Bolling of my staff regarding Agreement State promulgation of Part 35 compatible rules.

The staff contacted Ms. Ruth McBurney, the State member of the Advisory Committee on the Medical Uses of Isotopes (ACMUI), to obtain her assistance in responding to your questions. She informed us that the Suggested State Regulations (SSR) for medical use of isotopes (used by the States as a model for developing State regulations) have been in the parallel rulemaking process along with Part 35. Ms. McBurney also checked with Mr. David Walters, who is the chair of the group that is working on the SSR. He stated that the SSR is at the Conference of Radiation Control Program Directors (CRCPD) headquarters undergoing final editing. Once that is done, it will go to the CRCPD Board of Directors for approval, then to the appropriate Federal agencies for concurrence. He anticipates that this will be completed by the end of April 2001, after which it will be available for the States to use. Based on early indications from some of the States, about one-third of the Agreement States (10) expect they will adopt the rule during the first year after publication.

Once the rule is published, we will ask Ms. McBurney to query all of the Agreement States to see when and how they anticipate adopting a compatible rule. If you have any questions, or we may be of further assistance, please feel free to contact me.

Sincerely,

/RA by Fred Combs, Acting for/
Paul H. Lohaus, Director
Office of State and Tribal Programs

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***See previous concurrence.**

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