

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Aug 20, 2001 15:47

PAPER NUMBER: LTR-01-0417

LOGGING DATE: 08/20/2001

ACTION OFFICE: EDO

To: Virgilio, NMSS
cys: EDO
DEDMRS
DEDR
DEDM
AO
STP

AUTHOR: William Nelligan (CBNC)

AFFILIATION: MD

ADDRESSEE: Richard Meserve

SUBJECT: Concerns the denial of funds in the Senate Energy and Water Appropriations Bill for FY 2002 for implementing 10 CFR Part 35

ACTION: Appropriate

DISTRIBUTION: Chairman, RF

LETTER DATE: 08/17/2001

ACKNOWLEDGED No

SPECIAL HANDLING:

NOTES:

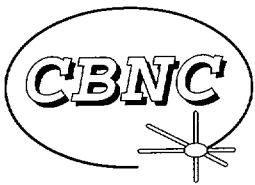
FILE LOCATION: ADAMS

DATE DUE:

DATE SIGNED:

Template: SECY-017

E-RIDS: SECY-01



Certification Board of Nuclear Cardiology

9929 Main Street Suite C Damascus, MD 20872 Phone: (301) 253-7122 Fax: (301) 253-7123

August 17, 2001

BOARD OF DIRECTORS

Representing the American Society of Nuclear Cardiology

Jeffrey S. Borer, MD
Manuel D. Cerqueira, MD
E. Gordon DePuey, MD
Ami E. Iskandrian, MD
Steven C. Port, MD
Frans J. Th. Wackers, MD, PhD
Barry L. Zaret, MD
Jack A. Ziffer, PhD, MD

Representing the American College of Cardiology

James E. Udelson, MD

William D. Nelligan, CAE
Executive Director

The Honorable Richard A. Meserve, PhD, Chairman
Nuclear Regulatory Commission
One White Flint North Building
11555 Rockville Pike
Rockville, Maryland 20852-2738

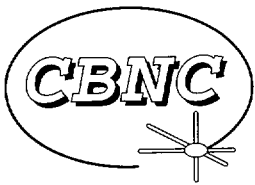
Dear Chairman Meserve:

As Executive Director of the Certification Board of Nuclear Cardiology, I was very disappointed that the Senate Energy and Water Appropriations Bill for FY 2002 denies funds for implementing 10 CFR Part 35, Medical Use of Byproduct Material, as approved by the Nuclear Regulatory Commission on October 23, 2000. The new rule provides a second pathway to authorized user status through board certification. The Certification Board of Nuclear Cardiology made application to the NRC for recognition in November 2000. However, recognition of the CBNC by the NRC will not occur until the new 10 CFR Part 35 is printed in the *Federal Register* as a final rule.

Members of the Board of Directors of the Certification Board of Nuclear Cardiology invested considerable time and effort in public hearings, testimony and letters of support for this new rule. The revised rule would immediately relieve some of the more burdensome aspects in the current regulations that limit public access to diagnostic services and increase the overall costs of providing health care services. The Senate action is a major setback for those who have worked long and hard on the new regulatory framework. I urge the Nuclear Regulatory Commission to work with stakeholders who support 10 CFR Part 35 revision to reverse the Senate's action.

REC'D BY SECT

20 AUG 01 2:13



Certification Board of Nuclear Cardiology

9929 Main Street Suite C Damascus, MD 20872 Phone: (301) 253-7122 Fax: (301) 253-7123

PAGE TWO

BOARD OF DIRECTORS

Representing the American Society of Nuclear Cardiology

Jeffrey S. Borer, MD
Manuel D. Cerqueira, MD
E. Gordon DePuey, MD
Ami E. Iskandrian, MD
Steven C. Port, MD
Frans J. Th. Wackers, MD, PhD
Barry L. Zaret, MD
Jack A. Ziffer, PhD, MD

Representing the American College of Cardiology

James E. Udelson, MD

William D. Nelligan, CAE
Executive Director

Years of work went into shaping this regulation and the end result is a rule that would protect public health and safety while eliminating unnecessarily burdensome regulatory requirements. Excessive training requirements for nuclear cardiologists to become authorized users of medical isotopes are reduced. The NRC agreement states must adopt NRC standards for training and experience, a requirement that assures a uniform national standard for authorized user status. These proposed changes are the result of careful consideration by many experts and literally thousands of hours of work, principally by your own staff at the NRC. These changes are long overdue and would facilitate training of physicians to perform diagnostic cardiology services using nuclear materials.

The cardiology community needs the new 10 CFR Part 35 to better serve patients with heart disease. I ask your assistance and that of the other commissioners in working to guarantee that the House position on NRC funding prevails when the Energy and Water Development Appropriations Bill for FY 2002 goes to conference between the House and the Senate next month.

Thank you for your consideration and the service which you give to our nation through your work as chair of the Commission.

Sincerely,

William D. Nelligan, CAE
Executive Director