

October 24, 2002

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA, WISCONSIN

10 CFR PART 35 - FINAL REVISED RULE ON MEDICAL USE OF BYPRODUCT MATERIAL BECOMES EFFECTIVE (STP-02 - 073)

On October 24, 2002, 10 CFR Part 35, the final rule on the Medical Use of Byproduct Material, became effective. This regulation was revised in its entirety, along with selected sections of 10 CFR Parts 20 and 32.

Agreement States will have up to 3 years (no later than October 24, 2005), from the effective date of the final rule, to adopt compatible medical regulations. Agreement States are advised to begin promulgating this revised medical regulation in order to meet the 3-year compatibility time table. Those Agreement States that anticipate delays in adopting this rule may choose, as an interim measure, to adopt "Legally Binding Requirements" until a compatible medical rule becomes effective.

Subpart J of 10 CFR Part 35, the Training and Experience (T&E) requirements in the proposed rule, will be retained for a 2-year transition period. The transition period begins on the effective date of the revised rule (October 24, 2002) and ends no later than October 24, 2004. NRC licensees will be allowed to utilize either the T&E requirements in the revised rule or Subpart J during the transition period. The NRC will soon begin to promulgate an amendment to address changes to the T&E requirements. It is expected that this amendment will be published no later than October 24, 2004. Those Agreement States that anticipate delays in adopting this amendment may choose, as an interim measure, to adopt "Legally Binding Requirements" until a compatible State amendment addressing T&E requirements becomes effective.

In suggesting the use of "Legally Binding Requirements" as an interim measure until compatible rules can be adopted, we hope to provide consistent national regulation for the medical use of byproduct material for all medical licensees.

If you have any questions regarding this correspondence, please contact me at (301) 415-2325 or the individual named below.

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