

December 20, 2002

ALL AGREEMENT STATES, MINNESOTA, PENNSYLVANIA, WISCONSIN

PART 35 - DIRECT FINAL RULE - CLARIFYING AND MINOR AMENDMENTS (STP-02- 084)

The U.S. Nuclear Regulatory Commission (NRC) is considering amending 10 CFR Part 35 on the medical use of byproduct material. NRC is seeking early Agreement State review and comment on a Direct Final Rule. These clarifying and minor amendments (amendments) are in draft form, have not yet been approved by management, and do not represent the Agency's position at this time.

These amendments will clarify the definitions of authorized users, authorized medical physicists, authorized nuclear pharmacists, and radiation safety officers; clarify the notification requirements if the patient is in a medical emergency or dies; clarify the recordkeeping requirements for calibration of brachytherapy sources; and eliminate a restriction that training for ophthalmic use of strontium-90 can only be conducted in medical institutions. These amendments are necessary to clarify certain inconsistencies within the regulations and to allow training in ophthalmic treatment to be conducted in eye clinics or private practices, in addition to medical institutions.

These amendments were uploaded to the NRC's Technical Conference Forum (TCF) under a subsystem where access is limited to Agreement States. Agreement States can access the draft amendments on the TCF at: <http://techconf.llnl.gov/cgi-states/topics> using the appropriate user name and password which was last updated via All Agreement States letter SP-99-027. Due to its pre-decisional nature, this document is exempt from public disclosure under NRC rules. We request that you limit distribution to your staff and not release this document publicly. If this document is released, please inform me or the Point of Contact below within 24-hours.

Your comments on these amendments should be sent to the following individual:
Attn: Dr. Anthony N. Tse, NMSS, U.S. Nuclear Regulatory Commission, Mail Stop T-8-F5,
Washington, DC 20555, Email: ANT@NRC.GOV

We would appreciate receiving your comments* **on or before the cob January 20, 2003**. If you have any questions on this correspondence, please contact me or the individual named below.

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STP-02-084

*This information request has been approved by OMB 3150-0029, expiration 06/30/04. The estimated burden per response to comply with this voluntary collection is approximately 6 hours. Forward any comments regarding the burden estimate to the Information and Records Branch (T-6F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0029), Office of Management and Budget, Washington, DC 20503. If a document does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information.

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