



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

(1)

July 14, 1998

CHAIRMAN

The Honorable Tom Allen
United States House of Representatives
Washington, D.C. 20515-1901

Dear Congressman Allen:

I am responding to your letter dated June 21, 1998, regarding proposed revisions to the U.S. Nuclear Regulatory Commission's (NRC) 10 CFR Part 35 regulations on medical use of byproduct material. In particular, you were concerned about the training and experience requirements that would be applicable to personnel involved in diagnostic and therapeutic uses of unsealed byproduct material.

The NRC staff provided its recommendations on proposed revisions to Part 35 to the Commission on May 29, 1998. The proposed rule was developed using an increased public participation process that included public workshops; meetings with various medical professional societies (including the American College of Radiology); and the posting of a "strawman" rule text on the Internet for comments. The Commission is currently reviewing the staff's proposed revision. After Commission approval, a proposed rule will be published in the Federal Register for public comment. During the public comment period, public meetings will be held in San Francisco, California on August 19-20, 1998; in Kansas City, Missouri on September 16-17, 1998; and in Washington, DC on September 23-24, 1998. Additional details on the public meetings will be published in the Federal Register in July.

The issue of training and experience has received the most comments during the development of the proposed rule. Viewpoints on this issue have varied. The Commission has received comments both supporting reduction in requirements affecting personnel in the diagnostic area, including those from the American College of Cardiology and the American Society of Nuclear Cardiologists, and favoring continuance of the existing requirements. The staff draft, while reducing the number of hours required for certain medical modalities, also specified a focus on radiation safety and proposed that personnel competency be verified through an examination. This proposal appears to be in keeping with the direction the Commission provided to the staff namely, to develop a risk-informed, and where appropriate, a more performance-based rule and it addressed an objection often expressed by some commenters, that NRC requirements sometimes intruded into the practice of medicine.

The Commission is carefully considering the staff proposal in light of public comments. The results of that consideration will then be available for additional public comment and discussion.

Sincerely,

Shirley Ann Jackson