

December 29, 1998

The Honorable (Christopher Bond or Bob Graham)  
United States Senate  
Washington, DC 20510

Dear Senator (Bond/Graham):

I am nuclear medicine physician ~~at~~ at Florida. I am writing to you for two reasons. The first is to express my concern with the Nuclear Regulatory Commission's (NRC) proposed revision of 10 CFR Part 35 "Medical Uses of Byproduct Material", and the second is to ask for your help.

I am particularly concerned by the perception that the NRC continues to propose regulations in areas where there is no statistically significant radiation risk to workers, members of the public, or patients. One of these areas is diagnostic nuclear medicine, which uses tracer amounts of radioactive isotopes, given to patients, to diagnose diseases such as cancer, heart disease, and Alzheimer's.

These regulations represent a significant burden to the members of the nuclear medicine community forced to comply with them, and ends up costing patients higher fees or denying them adequate treatment. And, for all this extra cost, members of the public, workers, and patients will receive no visible increase in overall radiation safety.

This is a very important issue, Senator, one that affects the very practice of nuclear medicine, and as such, I urge you to write Chairman Shirley Ann Jackson at the NRC and ask her the following three questions.

1. What information on risk did the Commission consider when it revised the regulations for diagnostic Nuclear Medicine procedures included in the revision of Part 35?
2. Why did the Commission, after having spent \$2.0 million, reject the 1995 National Academy of Science-Institute of Medicine report, which found that for nuclear medicine, the risk and probability of harm occurring to a patient or a member of the public is extraordinary low?
3. How can the Commission claim that the current proposed revision of Part 35 is "risk informed" if the Commission dismissed the NAS-IOM report and recommendations of the National Council on Radiation Protection and Measurements, 1993 NRC internal management report? If there is any data that contradicts the NAS-IOM or NCRP conclusions, please provide it.

This is a time sensitive matter. As such, I respectfully request that you address this matter as quickly as possible. The proposed rule has already proceeded past the workshop and comment stage and is now solely at the discretion of the Chairman, Commissioners, and their staff.

Thank you for your time and assistance in this matter. If you have any questions that I failed to address in this correspondence, contact ~~me~~ Mr. David Nichols, Director of Government Relations for the Society of Nuclear Medicine and the American College of Nuclear Physicians, at 703-708-9773.

Sincerely,

*Richard E. Noon, M.D.*  
*Port St. Lucie, FL 34984*