

**NOTICE OF DENIAL OF A PETITION FOR RULEMAKING (PRM) SIGNED
BY EXECUTIVE DIRECTOR FOR OPERATIONS (EDO)**

OFFICE OF FEDERAL AND STATE MATERIALS
AND ENVIRONMENTAL MANAGEMENT PROGRAMS

Notice of Denial of Petition for Rulemaking Signed by EDO

On May 7, 2008, the EDO denied a petition for rulemaking submitted by Peter G. Crane. The petitioner requested that NRC amend its regulations to partially revoke the patient release criteria rule in 10 CFR 35.75 insofar as it allows patients to be released from radioactive isolation with more than the equivalent of 30 millicuries of radioactive iodine I-131 (I-131) in their bodies.

The petition was docketed as PRM-35-18. The petition was published in the *Federal Register* on December 21, 2005 (70 FR 75752), requesting comments for a 75-day period. Forty-eight comment letters were received including three supplements provided by the petitioner. Fourteen comments in support of the petition were mostly from patients. Those opposing the petition included physicians, medical physicists, radiation safety officers, and several medical professional organizations.

The NRC has denied the petition because the petitioner did not provide any specific data to support his request, and did not provide a sufficient basis for revoking the current release criteria. The EDO determined that the current rule is adequate to protect public health and safety and that re-implementing the pre-1997 patient release criteria would impose a significant regulatory burden on licensees which is not warranted in light of a lack of a potential significant benefit to public health and safety. The staff believes that additional guidance in NUREG-1556, Volume 9, "Consolidated Guidance About Material Licenses: Program Specific Guidance About Medical Use Licenses," and a Regulatory Issue Summary to medical use licensees are appropriate to convey to the licensees an acceptable approach to address the concern of exposure to children from the released patients.

This notice informs the Commission that, under the rulemaking authority delegated to the EDO, the EDO has signed the *Federal Register* notice denying the petition and proposes to forward it on May 15, 2008, to the Office of the Federal Register for publication, unless otherwise directed by the Commission.

The petition denial package can be found in ADAMS under ML073300444.