

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

PETER G. CRANE,

Petitioner,

v.

U.S. NUCLEAR REGULATORY COMMISSION

Docket No. 08- 72973

and

NRC No. PRM-35-18

UNITED STATES OF AMERICA,

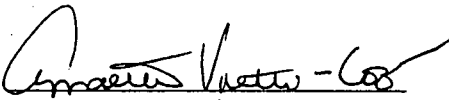
Respondents.

CERTIFIED INDEX OF THE RECORD

I hereby certify that the documents listed and described below constitute the record for the administrative proceedings resulting in the issuance of “Peter G. Crane; Denial of Petition for Rulemaking,” Docket No. PRM-35-18, published at 73 Fed. Reg. 29445 (May 21, 2008), the decision that is the subject of the Petition for Review in this case.

Respectfully submitted,




Annette L. Vietti-Cook
Secretary of the Commission

Dated at Rockville, Maryland
this 14th day of August 2008.

CERTIFIED INDEX OF THE RECORD

PETER G CRANE v. U.S. NUCLEAR REGULATORY COMMISSION

DOCKET NO. 08-72973

NRC DOCKET NO. PRM-35-18

Thursday, August 14, 2008

COMMENT NUMBER	COMMENT SUBMITTED BY	REPRESENTING	DOCKET DATE	DOCUMENT DATE	DESCRIPTION	ACCESSION NUMBER
					ICRP PUBLICATION 94: RELEASE OF PATIENTS AFTER THERAPY WITH UNSEALED RADIONUCLIDES (2005)	
	CAROL MARCUS	SELF	07/25/1994	07/11/1994	COMMENT 3 ON PR-20 AND 35, PROPOSED RULE ON CRITERIA FOR THE RELEASE OF PATIENTS ADMINISTERED RADIOACTIVE MATERIAL, PUB. ON 6/15/1994 AT 59FR30724	

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COMMENT NUMBER	COMMENT SUBMITTED BY	REPRESENTING	DOCKET DATE	DOCUMENT DATE	DESCRIPTION	ACCESSION NUMBER
	PETER CRANE	SELF	08/26/1994	08/25/1994	COMMENT 25 TO PR-20 AND 35, PROPOSED RULE ON THE CRITERIA FOR THE RELEASE OF PATIENTS ADMINISTERED RADIOACTIVE MATERIAL, PUB. ON 6/15/1994 AT 59FR30724	
	CAROL MARCUS	SELF	02/02/1995	01/24/1995	LETTER INQUIRING OF THE NRC'S DELAY IN PROCESSING THE RULEMAKING ON THE CRITERIA FOR THE RELEASE OF PATIENTS ADMINISTERED RADIOACTIVE MATERIAL, PUB. ON. 6/15/1994 AT 59FR30724	

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	PETER CRANE		02/24/2005	02/23/1995	COMMENT 57 TO PR- 20 AND 35, PROPOSED RULE ON THE CRITERIA FOR THE RELEASE OF PATIENTS ADMINISTERED RADIOACTIVE MATERIAL, PUB. ON 6/15/1994 AT 59FR30724	
				02/28/1997	NUREG-1492 - REGULATORY ANALYSIS ON CRITERIA FOR THE RELEASE OF PATIENTS ADMINISTERED RADIOACTIVE MATERIAL	ML082030499

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COMMENT NUMBER	COMMENT SUBMITTED BY	REPRESENTING	DOCKET DATE	DOCUMENT DATE	DESCRIPTION	ACCESSION NUMBER
				03/28/2000	NUREG-1556, VOL. 9 - CONSOLIDATED GUIDANCE ABOUT MATERIALS LICENSES, "PROGRAM-SPECIFIC GUIDANCE ABOUT MEDICAL USE LICENSES," INCLUDING APPENDIX U "MODEL PROCEDURES FOR RELEASE OF PATIENTS OR HUMAN RESEARCH SUBJECTS ADMINISTERED RADIOACTIVE MATERIAL"	ML003699485
	PETER CRANE		09/28/2005	09/02/2005	PETITION FOR RULEMAKING FOR A PARTIAL REVOCATION OF THE PATIENT RELEASE CRITERIA RULE	ML052640605

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COMMENT NUMBER	COMMENT SUBMITTED BY	REPRESENTING	DOCKET DATE	DOCUMENT DATE	DESCRIPTION	ACCESSION NUMBER
				12/15/2005	NOTICE OF RECEIPT OF PETITION FOR RULEMAKING SUBMITTED BY PETER CRANE AND PUBLISHED IN THE FEDERAL REGISTER AT 70FR75752 ON DECEMBER 21, 2005	ML053180366
1	PALMER STEWARD PHD, MEDICAL PHYSICIST	SELF	12/22/2005	12/21/2005		ML053570050
2	BRIAN M. METHE HEALTH PHYSICIST	SELF	12/22/2005	12/22/2005		ML053570043
3	STEPHEN GERARD M.D.PHD, CHIEF NUCLEAR MEDICINE	SELF	12/27/2005	12/22/2005		ML053520097

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4	CAROL S. MARCUS PHD., M.D.	SELF	12/28/2005	12/26/2005		ML053620321
5	PERRY W. GRIGSBY M.D.	SELF	12/28/2005	12/27/2005		ML053620323
6	JAMES A. PONTO MS, RPH, BCNP CHIEF NUCLEAR PHARMACIS T	SELF	12/29/2005	12/29/2005		ML053640075
7	JEFFREY A. SIEGEL PH.D., PRESIDENT & CEO	SELF	01/09/2006	01/06/2006		ML060090462

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9	EDWARD B. SILBERSTEIN,MD	SELF	01/20/2006	01/10/2006		ML060250095
8	ROBERT E. REIMAN MSPH, MD, ASSISTANT CLINICAL PROF.	SELF	01/13/2006	01/12/2006		ML060170039
11	PETER G. CRANE	SELF	02/01/2006	01/30/2006		ML060330079
10	LELAND ROGERS MD	SELF	01/31/2006	01/31/2006		ML060330070
12	BETTY YEE	SELF	02/06/2006	02/05/2006		ML060380284

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13	NANCY A. GRISWOLD	SELF	02/06/2006	02/05/2006		ML060380296
14	JAMI SHAPIRO	SELF	02/07/2006	02/06/2006		ML060390277
15	LESLIE K. BURNICK	SELF	02/07/2006	02/06/2006		ML060390279
16	LAWRENCE KRAMER	SELF	02/07/2006	02/06/2006		ML060390281
17	GABRIEL SOUDRY	SELF	02/07/2006	02/07/2006		ML060410044
21	CANDY STEVENS	SELF	02/21/2006	02/08/2006		ML060520553

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18	JEANNE D. GREENFIELD	SELF	02/13/2006	02/09/2006		ML060440526
19	EVELYN GROSS	SELF	02/13/2006	02/10/2006		ML060440533
22	HENRY D. ROYAL, MD CHRISTOPHE R.J. PALESTRO, MD	THE AMERICAN BOARD OF NUCLEAR MEDICINE	02/21/2006	02/10/2006		ML060540390
24	FRANK P. CASTRONOVO, PH RADIATION SAFETY OFFICER	BRIGHAM & WOMEN'S HOSPITAL RADIATION SAFETY COMMITTEE	02/22/2006	02/10/2006		ML060540356

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34	GERALD M. KOLODNY, MD	THE BETH ISRAEL DECONESS MEDICAL CENTER	03/06/2006	02/15/2006		ML060670075
	CHAIR, RADIATION SAFETY COMMITTEE					
20	MARGARET M WHITE	SELF	02/21/2006	02/16/2006		ML060520566
23	ROSELLE KOVITZ	SELF	02/22/2006	02/20/2006		ML060540392
25	GAIL GUNDLING	SELF	02/28/2006	02/25/2006		ML060590619

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26	BARRY A. SIEGEL, M.D. PROFESSOR OF RADIOLOGY & MEDICINE	SELF	02/28/2006	02/27/2006		ML060590623
27	ERNEST L. MAZZAFERRI, MD GREGORY A. BRENT, MD	AMERICAN THYROID ASSOCIATION	03/01/2006	02/28/2006		ML060610102
30	ANDREA DUNAIF, MD PRESIDENT	THE ENDOCRINE SOCIETY	03/06/2006	03/01/2006		ML060660029
44	JAMES F. KRONAUGE, PH.D. ASSISTANT PROFESSOR OF RADIOLOGY	SELF	03/10/2006	03/01/2006		ML060720060

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28	J. THOMAS COULOMBE	SELF	03/02/2006	03/02/2006		ML060620059
29	DAVID L. NORTH ASSOCIATE PHYSICIST	SELF	03/02/2006	03/02/2006		ML060620255
32	CASSANDRA FOENS, M.D.FACR CHAIR, FEDERAL REGULATOR Y COMMITTEE	AMERICAN COLLEGE OF RADIOLOGY	03/06/2006	03/03/2006		ML060660031
37	CHARLOTTE WUNDERLICH	SELF	03/06/2006	03/05/2006		ML060670084
31	THOMAS DRESSER, PH.D, M DIRECTOR	SELF	03/06/2006	03/06/2006		ML060660030

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33	HENRY H. KRAMER, PH.D. EXECUTIVE DIRECTOR	COUNCIL ON RADIONUCLIDES AND RADIOPHARMACEUTICALS, INC. (CORAR)	03/06/2006	03/06/2006		ML060660033
35	PATER S. CONTI, MD, PH.D. PRESIDENT	SOCIETY OF NUCLEAR MEDICINE	03/06/2006	03/06/2006		ML060670078
36	LAURA THEVENOT CHIEF EXECUTIVE OFFICER	AMERICAN SOCIETY FOR THERAPEUTIC RADIOLOGY AND ONCOLOGY	03/06/2006	03/06/2006		ML060670081

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38	GERALD L. WHITE, JR.	AMERICAN ASSOCIATION OF PHYSICISTS IN MEDICINE	03/06/2006	03/06/2006		ML060670085
	CHAIR					
39	ALISA PROCTOR	SELF	03/06/2006	03/06/2006		ML060670087
40	JEFFREY P. NORENBERG	NATIONAL ASSOCIATION OF NUCLEAR PHARMACIES	03/07/2006	03/06/2006		ML060670100
	EXECUTIVE DIRECTOR AND CHAIRMAN					
41	JOHN A. GANS, PHARM.D	AMERICAN PHARMACISTS ASSOCIATION	03/07/2006	03/06/2006		ML060670103
	EXECUTIVE VICE PRESIDENT					

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42	JOE S. ADAMS, CSP	UNIVERSITY OF CALIFORNIA RSO WORKGROUP	03/07/2006	03/06/2006		ML060670109
	DIRECTOR, ENVIRONME NT, HEALTH & SAFETY					
43	ANONYMOUS	SELF	03/07/2006	03/06/2006		ML060670066
			03/13/2006	03/10/2006	MINOR CORRECTION TO COMMENT NO. 43 SUBMITTED BY PETER CRANE.	ML060730209
45	GIBB VINSON	ILLINOIS EMERGENCY MANAGEMENT AGENCY	03/20/2006	03/16/2006		ML060790445

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46	HARVEY V. LANKFORD, MD MD, FACE	ENDROCINE & DIABETES MANAGEMENT CENTER	06/13/2006	06/05/2006		ML061650029
47	JAMES L. ZELENAK MD	SELF	06/28/2006	06/22/2006		ML061800306
			03/19/2008	03/08/2008	LETTER FROM PETER CRANE TO CHRM., COMRS. ENCLOSING HIS 1/6/2008 LETTER INDICATING THAT THAT HE HAS NOT RECEIVED ANY RESPONSE TO THAT LETTER	ML080800096

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			03/19/2008	03/08/2008	LETTER FROM PETER CRANE TO REP. JOHN DINGELL RE HIS 1/13/2008 LETTER AND DESCRIBING THE NRC'S FAILURE TO ACT ON A PETITION FOR RULEMAKING AND THAT DOCUMENTS PERTAINING THERETO WERE NO LONGER ON THE WEBSITE	ML080800118
			04/17/2008	04/07/2008	LETTER FROM PETER CRANE INDICATING THAT PRM-35-18 IS MISSING FROM THE NRC'S WEBSITE LIST OF RULEMAKINGS	ML081120116

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			05/20/2008	05/07/2008	FEDERAL REGISTER NOTICE - PETITION FOR RULEMAKING: DENIAL PUBLISHED IN THE FEDERAL REGISTER ON 5/ 21/2008 AT 73FR29445	ML072210187
			05/20/2008	05/07/2008	LETTER TO PETER CRANE FROM W. BORCHARDT, EDO, INDICATING DENIAL BY THE NRC OF PRM-35-18, MR. CRANE'S PETITION FOR RULEMAKING	ML073310160