PRM-50-90
(73FR30321)

Rulemaking Comments

(10)

From: Richard Martin [richardm@astro.org]
Sent: Monday, August 11, 2008 12:56 PM
To: Rulemaking Comments
Cc: Emily Wilson; Helen Johansson
Subject: Comments on Natural Resources Defense Council Receipt of Petition for Rulemaking (Docket No. PRM-50-90, NRC-2008-0279) [See 73 FR 30321 (May 27, 2008)]
Attachments: Letter_NRC_Rulemaking Comments_08-11-08.pdf

Rulemakings and Adjudications Staff:

Please find attached a comment letter from Laura I. Thevenot, CEO, American Society for Therapeutic Radiology and Oncology (ASTRO), on the referenced rulemaking proceeding.

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Thread-Index: Acj7zA9uuLEv5P8JRqeRjnrN8bZv+wAAxB6wAABTMqAAAB+9EAAACGtg
From: Richard Martin <richardm@astro.org>
To: <rulemaking.comments@nrc.gov>
CC: "Emily Wilson" <emilyw@astro.org>,
"Helen Johansson" <helenj@astro.org>
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ASTRO
AMERICAN SOCIETY FOR THERAPEUTIC RADIOLOGY AND ONCOLOGY

August 11, 2008

VIA E-Mail to: rulemaking.comments@nrc.gov

Annette L. Vietti-Cook
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

Re: Comments on Natural Resources Defense Council Receipt of Petition for Rulemaking (Docket No. PRM-50-90, NRC-2008-0279) [*See* 73 FR 30321 (May 27, 2008)]

Dear Ms. Vietti-Cook:

The American Society for Therapeutic Radiology and Oncology (ASTRO) appreciates the opportunity to participate in this rulemaking process by offering the following comments to the U.S. Nuclear Regulatory Commission (NRC) regarding the Petition for Rulemaking filed by the Natural Resources Defense Council (NRDC). In its Petition, the NRDC requests the NRC to amend its regulations to establish dates when the NRC will no longer license the civilian use of highly enriched uranium (HEU) or allow its export. ASTRO urges the NRC to proceed with caution in its consideration of the NRDC petition to ensure that patient care will not be compromised by impairment of the medical isotope supply chain.

ASTRO is the largest radiation oncology society in the world, with more than 9,000 members who specialize in treating patients with radiation therapies. As a leading organization in radiation oncology, biology, and physics, the Society is dedicated to the advancement of the practice of radiation oncology by promoting excellence in patient care, providing opportunities for educational and professional development, promoting research and disseminating research results and representing radiation oncology in a rapidly evolving healthcare environment.

Medical isotopes play an important role in diagnosing serious, often life-threatening medical conditions, treating cancer and other serious illnesses as well as monitoring the progression of cancer and the results of cancer treatments. Proper diagnosis and optimal treatment of patients depend on a reliable supply of medical isotopes. A continuous and reliable supply of medical isotopes is also essential for the investigators developing and improving technologies that benefit so many patients.

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The medical isotope supply chain for U.S. healthcare is complex and vulnerable to disruption. This situation is exacerbated by the short half-lives of medical isotopes, which preclude medical isotopes from being stockpiled like other more stable products, such as vaccines. Medical isotopes must be used in a timely manner to be effective treatments or produce high-quality nuclear medicine images.

At present, the United States' supply of medical isotopes is heavily dependent on production by one Canadian reactor—the National Research Universal (NRU) reactor. The NRU, which produces approximately 50 percent of the world's medical isotopes, utilizes HEU exported from the United States. The product of the nuclear reactor is transferred to a private company, MDS Nordion in Kanata, Ontario, which processes it into medical isotopes that are then distributed to radiopharmaceutical companies—including those in the United States. The NRU is one of only four reactors worldwide with the capacity to produce isotopes for commercial use.

ASTRO is concerned that although it may be technologically feasible to eliminate the use of HEU in the production of medical isotopes, conversion to utilizing low enriched uranium (LEU) in the production of those isotopes could detrimentally impact patient access to isotope-based diagnosis and treatment during the time that the reactor was out of service for the conversion. ASTRO advocates a pragmatic, measured approach and recommends that if a date is established for terminating the exportation of HEU, patient care consequences be mitigated by ensuring the maintenance of adequate and timely medical isotopes production.

Thank you for affording us this opportunity to provide comments on the NRDC's Petition for Rulemaking to Ban Future Civil Use of Highly Enriched Uranium. Please contact Emily Wilson at 703-839-7364 or emilyw@astro.org or Richard Martin at 703-839-7366 or richardm@astro.org if you have any questions.

Sincerely,

Laura Thevenot

Laura I. Thevenot
Chief Executive Officer