SCHOOL OF MEDICINE | DEPARTMENT OF RADIOLOGY | (505) 265-4411 Ext. 2424

THE UNIVERSITY OF NEW MEXICO | ALBUQUERQUE, NEW MEXICO 87106

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PETITION RULE PRM-35-1 (44 FR 26817)

May 23, 1979

Secretary of the Commission
United States Nuclear Regulatory Commission
Washington, DC. 20555

Attention: Docketing and Service Branch

Dear Sirs:

I am writing in support of the petition of George V. Taplin, M. D. to amend the recent Nuclear Regulatory Commission regulation "Human Uses of By-product Material", 10 CFR Part 35, effective 20 March 1979. In accordance with this regulation physicians must use an approved drug strictly in accord with the manufacturer's package insert. This new regulation would restrict physicians from using approved drugs according to their best judgement and knowledge, and will hinder the development of new safe applications of approved drugs.

It is my understanding that agreement states, including New Mexico, will be required to modify their Radiation Protection Regulations to bring them in compliance with federal regulations. As chairman of the State of New Mexico's Radiation Technical Advisory Council, I must register my opposition to this restrictive regulation and recommend its amendment to permit physicians greater latitude in the application of low risk diagnostic radiopharmaceuticals. Failure to do so will, in my opinion, adversely impact the advancement of nuclear medicine practice in our state.

Sincerely,

H. A. O'Brien, Jr.

Harold A. O'Brien, Jr. Ph.D.
Adjunct Associate Professor
of Radiology and Chairman,
State of New Mexico
Radiation Technical Advisory
Council

Acknowledged by card. 6/11

HAO:lmw

cc: George V. Taplin, M.D.
Theodore A. Wolff, Ph.D., Chief
NM Radiation Protection Section