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BRANCH

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Docketing and Service Branch, Docket #PRM-35-9  
Washington, D.C. 20555

Dear Mr. Secretary:

I am writing to express my strong support for the Petition of Rulemaking filed by the American College of Nuclear Physicians and the Society of Nuclear Medicine. I am a practicing Nuclear Medicine physician at O'Connor Hospital in San Jose, California. I am deeply concerned over the revised 10 CFR 35 regulations (effective April, 1987) governing the medical use of byproduct material as they significantly impact my ability to practice high-quality Nuclear Medicine.

Currently, the regulatory provisions in Part 35 (35.100, 35.200, and 33.17(a)(4)) do not allow practices which are legitimate and legal under FDA regulations and State medicine and pharmacy laws. These regulations therefore inappropriately interfere with the practice of medicine, which directly contradicts the NRC's Medical Policy statement against such interference.

In closing, I strongly urge the NRC to adopt the ACNP/SNM Petition for Rulemaking as expeditiously as possible.

Sincerely

Jorge A. Franco, M.D.  
Director Nuclear Medicine  
O'Connor Hospital

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