



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

November 8, 1994

William H. McCartney, M.D.  
President  
American College of Nuclear Physicians

James J. Conway, M.D.  
President  
Society of Nuclear Medicine

1200 19th Street, N.W., Suite 300  
Washington, D.C. 20036-2401

Dear Drs. McCartney and Conway:

I am responding to your letter dated August 29, 1994, urging the Nuclear Regulatory Commission to initiate steps to implement the backfit rule provisions in 10 CFR 50.109 for all materials licensees. The regulations in 10 CFR Part 50 are to provide for the licensing of production and utilization facilities, therefore, rulemaking would be necessary to revise 10 CFR Parts 30, 40, and 70 to apply the provisions of the backfit rule to materials licensees.

The question whether a version of the backfit rule should be implemented for materials licensees represents an important policy question for the Commission. On June 15, 1994, the Commission directed staff to consider enlarging the scope of the review for the NRC Committee to Review Generic Requirements (CRGR) to include proposed generic requirements in the nuclear materials area and to recommend a course of action. In response to your request, the Commission has agreed to request NRC staff to review specifically for the Commission the pros and cons of developing a backfit rule for materials licensees and to provide its recommendations.

I believe that these actions are responsive to your request. We will keep you informed regarding the results of the Commission's review of this issue.

Sincerely,

Ivan Selin

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