

MEMORANDUM TO: Chairman Jackson
Commissioner Rogers
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan

FROM: James M. Taylor
Executive Director for Operations

Original signed by
James M. Taylor

10/2/96

AF70-1
PDR

SUBJECT: DRAFT RULEMAKING PLAN (PART 35) FORWARDED TO AGREEMENT
STATES FOR THEIR INPUT

In accordance with the SRM - COMSECY-96-035 dated June 11, 1996, a copy of the draft rulemaking plan, entitled "Medical Use of Capsules Containing One Microcurie of Carbon-14," has been forwarded to the Agreement States for comment. A copy of the draft rulemaking plan is attached for your information while seeking Agreement State views.

Also attached for your information are two wire service articles of September 19, 1996, reporting that Meretek, Inc. announced receipt of market clearance and approval by the FDA for their breath test for detecting H. pylori infections using non-radioactive carbon (¹³C).

After considering comments from the Agreement States, I will forward the final rulemaking plan to the Commission for approval.

Attachment: As stated

cc: OGC
OCA
OIP
SECY

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* See previous concurrence

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