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 U.S. Nuclear Regulatory Commission  
 Washington, DC 20555 - 0001

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 PROPOSED RULE PR 35  
 (62FR42219)

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I am including my comments on the Revisions to Part 35 of the NRC regulations.

I personally welcome the effort that has gone into this revision and believe that it represents a positive step in the Medical Use of Byproduct Material, in that it offers individuals the opportunity to do things in a safe manner but taking into account the unique situation at each institution. I do have several concerns as outlined below.

1. Section 35.60 (New numbering)

Even with unit doses, it behooves the user to check the dose prior to administration to a patient. From experience, I know that the doses from a pharmacy can be wrong or two doses can be switched in the containers. A simple measurement of the dose can detect a number of problems. Thus, I think that the requirement to use a dose calibrator on all doses should remain.

2. The use of the term Medical Physicist is misleading. The document is really relating to physicists who practice in a radiation therapy environment. Consequently since the term is being used to apply to a specific branch, then the words radiation therapy physicist might be more appropriate since that is the group that is being defined. There are three main groups under the title Medical Physicist -- Radiation Therapy, Diagnostic, and Nuclear Medicine.

3. A real sticking point in the training requirements is alternate eligibility. Considering, in particular, Nuclear Medicine Physicians and training for imaging and localization studies, the main concern is the safe use of radionuclides. It would seem that this would include the proper use of imaging studies and interpretation. The intent is to regulate the safe use of radionuclides, but it would seem prudent to allow for Board Certification only. Otherwise, in the training, there is nothing mentioned about the clinical application and experience which is important. For the alternate eligibility, there is an exam, but it relates only to use and not application and consequences of the use of radionuclides.

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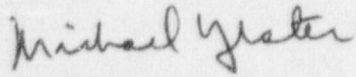


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I thank you for your time and do recognize the effort that has been put forth to date.

Sincerely,

A handwritten signature in cursive script that reads "Michael Yester". The signature is written in dark ink and is positioned above the printed name.

Michael Yester, Ph.D.