

April 7, 1999

MEMORANDUM TO: Commissioner Merrifield
FROM: Shirley Ann Jackson
SUBJECT: RULEMAKING SCHEDULE FOR PART 35, COMJSM-99-01

In response to your proposal, I agree that additional time would be beneficial to the staff in preparing the final rulemaking package on risk-informed, performance-based improvements to the medical requirements in [10 CFR Part 35](#). Based on my consideration of your proposal and Commissioner votes, as well as the March 25, 1999, meeting with the staff and the Advisory Committee on Medical Uses of Isotopes, I propose a hybrid approach that embraces elements of both your approach and the alternative proposed by Commissioner McGaffigan. Specifically, if the Commission is willing to provide guidance on the rulemaking issues now (see item 1 below), I propose the following approach:

1. Provide direction to the staff on significant rulemaking issues in the Staff Requirements Memorandum for the March 25th Commission meeting,
2. Do not require the staff to submit an additional paper outlining the rulemaking issues in May (I understand that the Commission has heard already the contents of such a paper in the March 25th meeting),
3. Meet with the staff to discuss the status of the rulemaking and significant remaining rulemaking issues in an open meeting in June, and
4. Follow the rest of the schedule as modified by Commissioner McGaffigan, including development and issuance of guidance concurrent with the final rule.

I am prepared to discuss this proposal and the other alternatives with my colleagues.

cc: Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
SECY
EDO
OGC