July 23, 2001
Manuel D. Cerqueira, M.D.
Chair, Advisory Committee on the Medical Uses of Isotopes
Division of Cardiology (5PHC)
Georgetown University Medical Center
3800 Reservoir Road, NW
Washington, DC 20007-2197
Dear Dr. Cerqueira:
The Nuclear Regulatory Commission (NRC) has been working with the Office of Management Budget to obtain approval of record keeping and reporting requirements found in NRC's draft final rule, 10 CFR Part 35, "Medical Use of Byproduct Material." Meanwhile, the House and Senate have passed differing versions of H.R. 2311, the Energy and Water Development Appropriations Act for Fiscal Year 2002. This is the Act that funds the NRC. The differences between the two Houses will be resolved by a conference committee.

The Senate version provides:

That, notwithstanding any other provision of law, no funds made available under this or any other Act may be expended by the Commission to implement or enforce 10 CFR Part 35, as adopted by the Commission on October 23, 2000.

The House version of the bill does not contain such a provision. The Bush Administration opposes the provision in the Senate. The Statement of Administration Policy that OMB provided the Senate before it commenced floor debate on H.R. 2311 stated:

"The Administration objects to language .... that would block the NRC from revising a regulation governing the use of medical isotopes. There are annually more than 11 million medical procedures for the diagnosis and treatment of disease that use radioactive materials. This regulation, adopted by the Commission in October 2000, would reduce the regulatory burden on the public while maintaining radiation safety of workers and the public. The regulation is currently undergoing review by OMB, and we urge the Senate to delete this provision that would leave in place the existing, more burdensome regulation."
Sincerely,
/RA/
Donald A. Cool, Director
Division of Industrial and Medical Nuclear Safety
Office of Nuclear Material Safety and Safeguards