

EDO Principal Correspondence Control

FROM: DUE: 12/03/02 EDO CONTROL: G20020669
DOC DT: 11/19/02
FINAL REPLY:

William R. Hendee
Medical College of Wisconsin

TO:

Chairman Meserve

FOR SIGNATURE OF : ** PRI ** CRC NO: 02-0754

Chairman Meserve

DESC:

ROUTING:

Proposed Revisions in 10 CFR 35 "Medical Use of
Byproduct Material"

Travers
Paperiello
Kane
Norry
Craig
Burns/Cyr

DATE: 11/21/02

ASSIGNED TO: CONTACT:
NMSS Virgilio

SPECIAL INSTRUCTIONS OR REMARKS:



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November 19, 2002

Richard A. Meserve
Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Dear Dick:

I am writing you about concerns of the American Board of Radiology, and other certification boards including the American Board of Health Physics, American Board of Science in Nuclear Medicine, and American Board of Medical Physics, regarding proposed revisions in 10CFR 35 "Medical Use of Byproduct Material".

On June 21, 2002, each of the certification boards above testified in Rockville MD before a subcommittee of NRC's Advisory Committee on the Medical Use of Isotopes (ACMUI). The subcommittee was chaired by Dr. Richard Vetter of the Mayo Clinic. At that time we strongly encouraged recognition of certification by the boards, including the American Board of Radiology, as evidence of competence to serve in various capacities as described in the proposed revisions. We inferred from comments and questions by the subcommittee that its members were sympathetic to the Boards' position.

Early this fall we learned that the subcommittee's advice to its parent committee differed from what we had inferred at the time of the meeting. Although the ACMUI final recommendations have been made public, we do not know how they correlate with options suggested by NRC staff in the options paper sent by the staff to the Commission. In a letter to you dated October 17, 2002, the certification boards formally asked the Commission to make the staff options paper public. To date our request to you and the Commission remains unanswered.

The issue of recognition by the NRC of certification by the American Board of Radiology and other certification boards is very important to the boards. We believe it should be very important to the NRC as well. This issue is so important that we are prepared to come to Washington to meet with you and other NRC Commissioners to discuss it. If the staff is recommending recognition of the certification boards as evidence of competence, the trip may not be necessary. I am hoping you can answer this question.

I will call you next week (Tuesday or Wednesday) to discuss this issue further.

Sincerely,

William R. Hendee, Ph.D.
Senior Associate Dean and Vice President

cc: Robert R. Hattery, M.D.
Lynne Fairbent

Chairman Richard A. Meserve
Nuclear Regulatory Commission
One White Flint North Building
11555 Rockville Pike
Rockville, MD 20852

October 17, 2002

Re: Staff paper related to 10 CFR Part 35 Training and Experience Requirements

Dear Chairman Meserve,

On behalf of the American Board of Radiology (ABR), the American Board of Medical Physics (ABMP), the American Board of Science in Nuclear Medicine (ABSNM), the American Board of Nuclear Medicine (ABNM), and the American Board of Health Physics (ABHP), we request the Commission make the staff paper on Part 35 Training and Experience options publicly available upon receipt.

Based on the staff's recommendation we hope that we can move forward to solve the issue of deemed status for those specialty boards currently listed in 10 CFR Part 35 Subpart J. It is difficult to perceive that there is a basis for these Boards to no longer be a default pathway for approval as an Authorized User, an Authorized Medical Physicist or a Radiation Safety Officer.

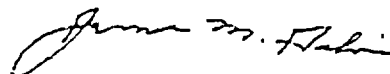
We do not believe it was the Commission's intent to minimize the importance of board certification or to imply those certified by the various specialty boards are not appropriately credentialed to utilize radioactive materials in the practice of medicine.

Upon review of the staff's recommendations, we are prepared to meet with you to discuss a pathway for resolving this issue in an expeditious manner. Please contact Lynne Fairbent, Director Federal Programs of the American College of Radiology at 703-716-7550 if you have any questions concerning this request on behalf of the following boards.

Sincerely,



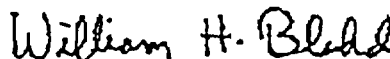
William R. Hendec, Ph.D.
President, ABR




James M. Galvin, DSc
Executive Director, ABMP



Robert E. Ackerhalt, Ph.D.
President, ABSNM



William H. Bland, M.D.
Executive Director, ABNM



Kathryn H. Pryor, MS, CHP
Chair, ABHP

cc: Commissioner Greta Joy Dicus
Commissioner Nils J. Diaz
Commissioner Edward McGaffigan, Jr.
Commissioner Jeffrey S. Merrifield

Chairman Richard A. Meserve
Nuclear Regulatory Commission
One White Flint North Building
11555 Rockville Pike
Rockville, MD 20852

October 17, 2002

Re: Staff paper related to 10 CFR Part 35 Training and Experience Requirements

Dear Chairman Meserve:

Please congratulate the staff, especially Mr. Francis (Chip) Cameron and Ms. Linda M. Psyk, involved in the well-conducted public workshops related to the implementation of 10 CFR Part 35. We recognize that these workshops have involved a significant amount of staff work over a short time.

Additionally we would like to thank the Commission for supporting the attendance of U.S. Nuclear Regulatory Commission staff at meetings of medical specialties that will be affected by the implementation of the rule. Open discussion is imperative to address the important issues that still remain in the current form of the rule. In particular, Dr. Susan M. Frant's openness and willingness to address the training and experience issue as it relates to specialty board recognition has been beneficial for our members. The diagnostic radiology, radiation oncology, nuclear medicine and medical physics community is most appreciative of her efforts.

To resolve the remaining implementation issues, we urge you to make the staff paper on training and experience publicly available as soon as the Commission receives it on or about October 18, 2002. This will allow review of the recommendations and prompt resolution of any remaining issues early in the Commission's deliberations.

Each facet of medical radiology and physics continues its commitment to work with the Commission to resolve the training and experience issue and move towards effective implementation of 10 CFR Part 35. Among the radiological organizations committed to this effort are the:

American College of Radiology
Society of Nuclear Medicine
American Society for Therapeutic Radiology and Oncology

American Association of Physicists in Medicine
American College of Nuclear Physicians

Based on the long-standing commitment to radiation safety, please know that these radiological organizations will continue to be fully committed to efforts that insure quality patient care, and which insure that authorized users represent physicians who are fully trained and board certified in the radiological sciences. Limiting access to radioactive materials to authorized users who are physicians trained and board certified in the radiological sciences becomes critical when homeland security is considered.

Please contact Lynne Fairobent, Director Federal Programs of the American College of Radiology at 703-716-7550 if you have any questions concerning this request behalf of the following associations.

Thank you for your time and consideration of these most important matters.

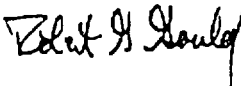
Sincerely,



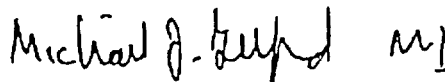
E. Stephen Amis Jr., M.D.
Chairman, ACR Board of Chancellors



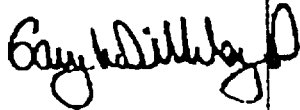
Nora A. Janjan, M.D., F.A.C.P., F.A.C.R.
Chairman of the Board, ASTRO



Robert Gould, Ph.D.
President, AAPM



Michael J. Galfand, M.D.
President Society of Nuclear Medicine



Gary L. Dillehay, MD
President ACNP

cc: Commissioner Greta Joy Dicus
Commission Nils J. Diaz
Commissioner Edward McGaffigan, Jr.
Commissioner Jeffrey S. Merrifield
William Travers, Ph.D., EDO
Susan M. Frant, Ph.D
Francis X. Cameron
Linda M. Psyk