

DOCKET NUMBER  
PROPOSED RULE PR 35  
(68FR 68549)

January 22, 2004

DOCKETED  
USNRC

February 4, 2004 (2:14PM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Secretary, U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Attention: Rulemakings and Adjudications Staff

Re: Proposed Revision of 10 CFR Part 35, "Medical Use  
of Byproduct Material"

Dear Sirs:

I would like to add an additional comment to my letter dated December 16, 2003. It has been brought to my attention that the current proposed definition for an authorized medical physicist does not include individuals who meet the requirements of 35.51(b) and (c). Also, the current proposed definition for an authorized nuclear pharmacist does not include individuals who meet the requirements of 35.55(b) and (c). This does not appear to be correct. If an individual meets the training and experience requirements of the rule (including the required preceptor statement), and are allowed to perform the duties of an authorized medical physicist, it would seem logical that they would meet the definition of an authorized medical physicist.

In addition, I would like to reiterate my comment regarding the implementation period for the Agreement States. Agreement States, like the NRC, must go through considerable development, review and comment periods when revising any rule. The expedited Part 35 rulemaking took over five years, and still required at least an additional two years to work on the training and experience sections. It would be unreasonable to require the Agreement States to write and promulgate compatible rules in less than the normal three year interval.

Again, thank you for the opportunity to comment on this proposed rule text.

Sincerely,

David Walter, Director  
Radioactive Material Licensing  
Alabama Office of Radiation Control

Template = SECY-067

SECY-02