

December 9, 2003

From: John R. Madera, Chief, Materials Licensing Branch (DNMS)



To: Gary L. Shear, Acting Deputy Director, Division of Nuclear Material Safety (DNMS)

Subject:

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For historical background, Mr. Nelligan provided one of our licensees with preceptor letter wording so its authorized user preceptor could use the wording to write a letter, to the Region III licensing branch, certifying the competency of a cardiologist the licensee wanted to add to its NRC license. This cardiologist was certified by the Certification Council of Nuclear Cardiology (CCNC), a certification board that has not been recognized by NRC to meet all of the training criteria in 10 CFR 35.290 (a). Some time in November, I believe, Mr. Reichhold reviewed the licensee's request to add the cardiologist and found that the preceptor's letter, certifying that the proposed cardiologist was competent to independently function as an authorized user, cited the wrong part of the regulation. Mr. Reichhold contacted the licensee and discussed the issues surrounding the preceptor letter and provided the licensee regulatory guidance (NUREG 1556, Volume 9), to assist it in formulating its response. The licensee asked if Mr. Nelligan, from the CBNC, could contact Mr. Reichhold regarding the preceptor certification, since Mr. Nelligan had provided the licensee the wording for the preceptor letter. Mr. Reichhold informed the licensee that Mr. Nelligan could contact him.

Mr. Nelligan contacted NRC headquarters regarding the above issue instead of contacting Region III. Roberto Torres of IMNS sent an e-mail to the RIII DNMS Director regarding the issues raised by Mr. Nelligan during his telephone call with Mr. Torres' staff, and Mr. Torres suggested that Region III should contact the licensee and address the issues. I contacted Mr. Torres and requested Mr. Nelligan's telephone number so that I could call him and try to resolve his issues.

Mr. Reichhold and I contacted Mr. Nelligan by telephone and discussed his issues and suggested that Mr. Nelligan should instruct preceptor's to provide the entire preceptor form along with the Cardiologist's certification from the CCNC, as proof of competency.

During the week of November 30, 2003, Mr. Nelligan contacted Mr. Reichhold and asked him if he could provide Mr. Reichhold with an example letter, he was preparing for preceptor's use, for

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Mr. Reichhold's review and comment. Mr. Reichhold informed Mr. Nelligan that NRC does not approve draft letters and that he would need to contact his supervisor, myself, regarding this issue. Mr. Reichhold informed me of his conversation with Mr. Nelligan by voice mail. I returned Mr. Reichhold's call and discussed the issue with him.

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On December 4, 2003, I contacted Mr. Nelligan and discussed the issues surrounding the wording we needed from a preceptor to demonstrate competency of a CCNC certified cardiologist. On December 5, 2003, Mr. Nelligan provided me with an example letter for my review and comment. I had a few comments on his letter and he incorporated those comments to my satisfaction. I shared the letter with Patty Pelke and Kevin Null of my staff and they agreed that the letter met our expectation for preceptor certification of a proposed authorized user for use of radioactive material under 10 CFR 35.200 (cardiology studies). On December 8, 2003, I asked Bill Reichhold to take a look at the letter and provide me his thoughts.

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