

July 23, 2004

American Association for Nuclear Cardiology, Inc.
Attn: Mr. Charles H. Rose, Executive Director
5660 Airport Boulevard, Suite 101
Boulder, Colorado 80301

Dear Mr. Rose:

I am responding to the question in your letter of June 29, 2004, addressed to Dr. Robert Ayres, (former employee), concerning the candidate eligibility requirements of the Certification Board of Nuclear Cardiology (CBNC) and the requirements of the U.S. Nuclear Regulatory Commission (NRC) for a physician to achieve Authorized User (AU) status.

In the first paragraph of the situation you described, you stated the following.

The CBNC's listing by the NRC requires the CBNC to determine that to take the examination, the candidate must meet the licensing requirements of the NRC for Authorized Users.

This statement is not factually correct. The CBNC's certification program is currently recognized by the NRC because the CBNC's certification process includes all of the requirements in 10 CFR 35.290(c), "Training for imaging and localization studies." Therefore, NRC expects all diplomates of the CBNC to meet all of the requirements in 10 CFR 35.290(c).

In the second paragraph of the situation you described, you asked and stated the following.

Does this not imply that being accepted for the CBNC [examination] is evidence that the candidate meets the licensing requirements? Thus, the candidate does not have to take or "pass" the CBNC exam to be eligible for licensure.

Based on the response above, to the first paragraph of the situation described in your letter, the answer to your question is "no." A physician being accepted for the CBNC [examination] is not evidence that the individual meets licensing requirements. For a physician to achieve AU status under 10 CFR 35.290 via the board certification pathway [§35.290(a)], the individual must be certified by a medical specialty board, such as the CBNC, whose certification process has been recognized by the Commission or an Agreement State. It is NRC's understanding, based on information submitted by the CBNC, that diplomates of the CBNC have successfully completed the CBNC's examination process.

Please note that CBNC's diplomates may not currently satisfy corresponding requirements in an Agreement State. This is the case because Agreement States have 3 years from October 24, 2002, the effective date of the revised 10 CFR Part 35, to achieve regulatory compatibility with the revised 10 CFR Part 35.

Sincerely,

/RA/

Thomas Essig, Chief
Material Safety and Inspection Branch
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

C. Rose

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Sincerely,

/RA/

Thomas Essig, Chief
Material Safety and Inspection Branch
Division of Industrial and
Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

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*See previous concurrence

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