

July 21, 2006

Charles Rose
Director, American Association for Nuclear Cardiology, Inc.
5660 Airport Boulevard, Suite 101
Boulder, CO 80301

SUBJECT: LETTERS DATED MAY 1 and 25, 2006

Dear Mr. Rose:

I am responding to your letters dated May 1 and 25, 2006, in which you requested a response from the Nuclear Regulatory Commission (NRC) as to training of the preceptor authorized user.

In your letter of May 1, 2006, you asked whether there is an attempt by NRC to determine whether preceptor authorized users have met the training and experience requirements under the current 10 CFR 35.290 or the former 10 CFR 35.920 to "attest" for other physicians. 10 CFR 35.290, "Training for imaging and localization studies," establishes requirements for an authorized user of unsealed byproduct material for the uses authorized under 10 CFR 35.200, "Use of unsealed byproduct material for imaging and localization studies for which a written directive is not required." 10 CFR 35.290(a) requires that to have its certification process recognized, a specialty board shall require all candidates for certification to complete 700 hours of training and experience that includes the topics listed in paragraphs (c)(1)(i) and (c)(1)(ii) of section 35.290. The regulations do not specify a minimum number of hours that shall be spent on classroom and laboratory training for individuals seeking to become authorized users under the board certification pathway. The Certification Board for Nuclear Cardiology (CBNC) has satisfactorily demonstrated that it is requiring all of their candidates seeking certification to meet NRC's training and experience requirements in 10 CFR 35.290(a). Consequently, NRC has listed the CBNC as a recognized board on NRC's web site. NRC does not generally conduct further verification of an individual's training if that individual is certified by a board that is currently recognized by the NRC. The attestation requirements in 10 CFR 35.290(c)(2) require verification of the required training and experience and competency by the preceptor. Similarly, the attestation requirements in 10 CFR 35.50(d) require verification of the required training and experience and radiation safety competency by the preceptor. An individual seeking authorization as a Radiation Safety Officer (RSO) must provide a preceptor attestation from an RSO.

In your letter, dated May 25, 2006, you also stated that the Agreement States did not require a specific number of hours of training. Part 35 was revised on April 24, 2002 (67 FR 20249). Prior to the 2002 revision, similar requirements were established in Subpart J of 10 CFR 35.920, "Training for imaging and localization studies." The former Subpart J regulations did not specify a minimum number of hours that shall be spent on classroom and laboratory training for individuals seeking to become authorized users under the board certification pathway. The training and experience requirements in Part 35 were revised again on March 30, 2005 (70 FR 16336) and became effective April 29, 2005, thirty days after the publication in the

Federal Register. Agreement States have until three years from the effective date of the 2005 revised Part 35 to establish regulations compatible with the revised rule.

Section 35.57 provides that authorized users who have been identified on existing Commission or Agreement State licenses and permits between October 24, 2002 and April 29, 2005 are exempt from the current requirements in 10 CFR 35. The effect of 10 CFR 35.57 is to “grandfather” those individuals named on an existing Commission or Agreement State license or permit, to serve as an AU for those use(s) for which they have been previously approved. If an AU is not specifically listed on an existing Commission or Agreement State medical use license on April 29, 2005, the AU is not eligible to use the grandfather provision in 10 CFR 35.57.

For further information or for questions, please contact me or Ms. Cindy Flannery, Team Leader of the Division of Industrial and Medical Nuclear Safety’s Medical Radiation Safety Team at (301) 415-0223, or via e-mail at cmf@nrc.gov.

Sincerely,

/RA/

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

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For further information or for questions, please contact me or Ms. Cindy Flannery, Team Leader of the Division of Industrial and Medical Nuclear Safety’s Medical Radiation Safety Team at (301) 415-0223, or via e-mail at cmf@nrc.gov.

Sincerely,

/RA/

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

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