

PRM-35-20

January 16, 2007 (3:17pm)

January 11, 2007

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Chief
Rules and Directives Branch
Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

(21)

Re: 10 CFR 35.57

Dear Sir:

I am writing in support of the American Association of Physicists in Medicine Petition for Rulemaking concerning the captioned citation. I am an American Board of Radiology certified Medical Physicist.

Before returning to school to pursue a career in medical physics I was a state health physicist in Florida and Louisiana. In Louisiana, I was assigned the duty of processing all of the medical license applications. It was our policy to require a physician to be the RSO in order to hold responsible the one person who was using the radioactive source(s) on the patient. In 1983 I received my degree and passed my Board exams on the first try in 1986. Since that time I have been in clinical radiation therapy practice at several locations. Until moving to Wyoming last year, all the institutions I worked for had a physician as the RSO. Indeed, here I assumed the RSO duties from a physician.

It was an open secret that the physician did little but sign the Radiation Safety Committee minutes. The staff told him what had to be done, and the staff dealt with the regulatory issues and inspections.

In the past 15 years I have been at two facilities that utilized remote afterloader units (HDR) as one treatment modality. I received manufacturer training and other training. I calibrated the units. I performed the daily checks. I planned the patient's treatments. I have somewhere between 150 and 200 patient plans to my credit. However, since I moved to a facility that did not offer HDR in 1997, I am now prevented from practicing this portion of my profession. Why? Because I was not named on the license as the RSO at the facilities that offered HDR treatments. My current facility wants to offer HDR, and has placed a deposit on a unit, but this regulation is preventing us from being to only facility in the state of Wyoming where patients can receive this treatment option. Over the past twenty years I could have documented many different things, but I had no way of knowing that these particular items would become necessary. Now, to try to document

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my experience, retrospectively, is extremely difficult, since persons that I worked and trained with have moved on or passed on.

It is arbitrary and makes no sense, that, with my years of experience I have to go to another facility for an unspecified time, and at unknown expense, hoping to get enough patients to satisfy a young, and less experienced physicist, who happened to be certified after an arbitrary deadline, to sign a preceptor statement for me. Meanwhile, this "training", leaves no physicist to cover my location, or requires tremendous expense on the part of my employer to hire a locum tenens physicist to replace me. All of this to satisfy a paperwork process that has no demonstrable benefit to either the patients or the regulatory process.

Is there any evidence that RSO functions, HDR treatments, or the other impacted modalities have been found to be any more hazardous to workers or patients than other treatment modalities? My experience says no.

Therefore, I urge the NRC to grant the AAPM Petition for Rulemaking – PRM-35-20. Furthermore, I urge the NRC to amend 10 CFR Part 35.57 to recognize medical physicists certified prior to 2005 for all treatment modalities and RSO functions whether or not they were formally named as the RSO on a license.

Respectfully,

A handwritten signature in cursive script that reads "Alan Douglas".

Alan Douglas, MS, DABR
1234 Stafford Court
Casper, WY 82609

From: Carol Gallagher
To: SECY
Date: Fri, Jan 12, 2007 4:55 PM
Subject: Comment on PRM-35-20

Attached for docketing is a comment on the above noted PRM that I received via the rulemaking website on 1/11/07.

Carol

Mail Envelope Properties (45A803C5.255 : 5 : 35764)

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Creation Date Fri, Jan 12, 2007 4:55 PM
From: Carol Gallagher

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MESSAGE	528	Friday, January 12, 2007 4:55 PM
TEXT.htm	397	
1795-0019.doc	79360	Friday, January 12, 2007 4:54 PM

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Expiration Date: None
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