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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Attn: Rulemaking and Adjudications Staff  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

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Re: Comments in response to petition of E. Russell Ritenour, Ph.D.  
Docket No. PRM-35-20

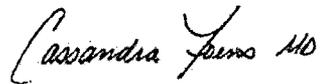
I am writing on behalf of the American College of Radiology (ACR) in support of the petition by E. Russell Ritenour, Ph.D (PRM-35-20). The ACR is a professional organization serving more than 32,000 radiologists, radiation oncologists, nuclear medicine physicians, and medical physicists, who use radiation and radioactive material for the benefit of their patients.

Having been an active participant throughout NRC's development and implementation of the new Part 35 Training and Experience (T&E) requirements, ACR concurs with the petitioner's assessment that the NRC staff's implementation of the rule is inconsistent with the understandings and deliberations that were a part of the rulemaking process. In particular, the notion that recognition status for approved Boards would have an "effective date" was not contemplated prior to the rule becoming finalized. This interpretation, along with the delays in recognizing certifying boards has been problematic for AUs, as well as AMPs and RSOs who were not eligible for grandfathering and yet sat for their board examinations before the Board's effective date.

The ACR maintains that NRC should provide a mechanism to ensure that *all* individuals seeking authorized status who are adversely affected by this "effective date" construct be given the opportunity to come in under the board certification pathway. Additionally, ACR recognizes the unique difficulties faced by medical physicists relative to grandfathering – the fact that the Authorized Medical Physicist concept is relatively new, and therefore the opportunity for grandfathering is limited, and that licensees have listed only a single RSO on a license. Recognizing this, we fully support the petitioner's proposed actions. Moreover, we concur that there are no health or safety concerns raised by permitting those persons deemed competent to practice on or before October 24, 2005 to continue to practice; imposing additional regulatory burdens upon these individuals is thus unwarranted.

As always, the American College of Radiology welcomes the opportunity for continued dialogue with the NRC on areas of mutual interest. Should you have any question on the comments addressed herein, or if we can otherwise be of assistance, please do not hesitate to contact Gloria Romanelli, Director of Legislative and Regulatory Relations with the ACR at 703-716-7550.

Sincerely,



Cassandra Foens, M.D., FACR  
Chair, Federal Regulatory Committee  
American College of Radiology

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