



Herbert W. Mower, Sc.D.
A.C.M.P. Chair
Director, Radiation Therapy Physics
Lahey Clinic Medical Center
41 Mall Road
Burlington, MA 01850
(phone) 781-744-8061
(fax) 781-744-5247
(email) Herbert.W.Mower@Lahey.org

16 January 2007

DOCKETED
USNRC

January 16, 2007 (3:17pm)

Secretary, US Nuclear Regulatory Commission
Washington, DC 20555

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Re: PRM-35-20
From E. Russell Ritenour, Ph.D.

Dear Ms. Vietti-Cook:

The American College of Medical Physics wishes to express its support of Docket No. PRM-35-20 submitted by E. Russell Ritenour, Ph.D. and published in the *Federal Register* Vol. 71, No. 211 on Wednesday, November 1, 2006. Specifically we are requesting that the NRC:

1. Grant the AAPM Petition for Rulemaking: PRM-35-20
2. Amend 10 CFR § 35.57, *Training for experienced Radiation Safety Officer, teletherapy or medical physicist, authorized medical physicist, authorized user, nuclear pharmacist, and authorized nuclear pharmacist*, to recognize medical physicists certified by either the ABR or the ABMP on or before October 24, 2005. {This is a true grandfather provision for the individuals and has no relationship to the grandfathering of the process used by a certifying board prior to the adoption of the new regulation.}
3. Amend 10 CFR § 35.57 to recognize **all diplomates** that were certified by the named board in Subpart J for RSO who have relevant timely work experience even if they have not been formally named as an RSO (or as either an "Assistant or Associate RSO").

This support is based upon the following:

There is no evidence to support the rulemaking assertion that the training and education (T&E) requirements for listing as an Authorized medical Physicist (AMP) or Radiation Safety Officer (RSO) that were acceptable before October 25, 2005 are no longer acceptable as of this date.

The Boards believed that their existing diplomates' certifications (i.e., certificates issued prior to October 25, 2005) would continue to be recognized by the Commission or an Agreement State.

The term "AMP" is a recent term in both the NRC and Agreement State regulatory structure. Medical physicists were not listed on licenses in many circumstances prior to the introduction of the concept of the AMP.

Without having medical physicists listed on licenses previously, there is a potential shortage of AMPs to serve as preceptors.

There is no indication of any health and safety concerns related to those individuals who were practicing in medical institutions that were certified prior to October 25, 2005.

Historically only one individual could be named on a license as an RSO. This is a problem, as other individuals qualified and serving in the capacity of RSO were not named on the license due to this limitation. Others who acted as assistant or temporary RSOs, and qualified to be an RSO were also not listed due to this restriction.

The proposed "alternate pathway" is very complex, difficult to document and provides no additional level of patient protection. This pathway is inappropriate for Board Certified individuals.

For these reasons we feel that the current wording of the regulations may influence employment and practice opportunity decisions due to the complexity of the regulatory implementation criteria. These problems will follow pre-2005 Diplomates throughout their career, placing them at a professional disadvantage in the pursuit of their careers.

We strongly support the NRC taking the lead in fixing this problem by enacting the template for a national solution as described in this petition.

Many thanks for your consideration of this request.

From: "Mower, Herbert W." <Herbert.W.Mower@lahey.org>
To: <SECY@nrc.gov>
Date: Tue, Jan 16, 2007 12:35 PM
Subject: Re PRM-35-20

Please see the attached comments re Docket No. PRM-35-20.

Many thanks.

Herbert W. Mower, Sc.D., Chair, American College of Medical Physics

<<Letter NRC 07-01-16.doc>>

See our web page at <http://www.lahey.org> for a full directory of Lahey sites, staff, services and career opportunities.

THIS MESSAGE IS INTENDED FOR THE USE OF THE PERSON TO WHOM IT IS ADDRESSED. IT MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If you are not the intended recipient, your use of this message for any purpose is strictly prohibited. If you have received this communication in error, please delete the message and notify the sender so that we may correct our records.

CC: "Mower, Herbert W." <Herbert.W.Mower@lahey.org>

Mail Envelope Properties (45AD0CE1.343 : 16 : 21315)

Subject: Re PRM-35-20
Creation Date Tue, Jan 16, 2007 12:35 PM
From: "Mower, Herbert W." <Herbert.W.Mower@lahey.org>

Created By: Herbert.W.Mower@lahey.org

Recipients

nrc.gov

TWGWPO02.HQGWDO01

SECY (SECY)

Post Office

TWGWPO02.HQGWDO01

Route

nrc.gov

Files	Size	Date & Time
MESSAGE	717	Tuesday, January 16, 2007 12:35 PM
TEXT.htm	1271	
Letter NRC 07-01-16.doc	404992	
Mime.822	558764	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled