

To: The Nuclear Regulatory Commission
Re: 10 CFR Part 35, Docket No. PRM-35-20
E. Russell Ritenour, Ph.D.; Receipt of Petition for Rulemaking
Federal Register, Vol. 71, No. 211, Wednesday, November 1, 2006, 64168-64169
From: Stephen R. Thomas, Ph.D.
University of Cincinnati
Department of Radiology
231 Albert Sabin Way
Cincinnati, OH 45267-0761
Date: January 15, 2007

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PRM-35-20
(71FR64168)

DOCKETED
USNRC

January 17, 2007 (4:00pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

As a medical physicist certified by the American Board of Radiology in Medical Nuclear Physics in 1978, I am writing in full support of the AAPM petition for rule making (PRM-35-20: E. Russell Ritenour, Ph.D.; Receipt of Petition for Rulemaking, Federal Register, Vol. 71, No. 211, Wednesday, November 1, 2006, 64168-64169). There are many points that support our position that the NRC should grant the AAPM Petition for Rulemaking – PRM-35-20. We believe that the NRC did not intend to disenfranchise this large group of medical physicists that were highly qualified and practicing effectively in the field of medical physics. It would be a mistake not to rectify this unintended situation. Among the number of points in support of approval listed below, we are concerned that under the current policy (ie., current diplomates of the ABR and the ABMP who wish to serve as AMPs and RSOs must apply via the “alternate pathway” and cannot be listed on a license via the “certification pathway” due to the effective dates assigned for recognized status) there is the potential to create a shortage of authorized medical physicists (AMP) to serve as preceptors with negative impact on patient care.

Additional points for consideration include:

- There is no evidence to support a rulemaking assertion that training and education (T&E) requirements for listing as an Authorized Medical Physicist (AMP) or Radiation Safety Officer (RSO) acceptable before October 25, 2005 are no longer acceptable as of October 25, 2005.
- There is no demonstration of health and safety concerns due to these individuals practicing in medical institutions that were certified prior to October 25, 2006.
- The Commission did not intend to create this problem. We believe the intention was to honor the value of Board certificates previously issued and accepted and to apply the new requirements only to new diplomates.
- The proposed “alternate pathway is very complex, difficult to document and provides no additional level of patient protection compared to the petition.
- The problems associated with excluding pre-2005 Diplomates will follow them throughout their career, potentially necessitating a flurry of alternate document for years to come. The petition offers a simple solution to this problem.
- It is unreasonable to expect the Boards to meet applicant related regulations promulgated years after the diplomas were awarded. There is no controversy as to the value of pre-2005 certificates, the NRC should recognize them.
- The current patchwork of state and NRC requirements create unacceptable conditions for AMP's. The ability to practice may depend on the vagaries of state to state implementation status and timing. The NRC should take the lead in fixing this problem by enacting the template for a national solution that is described in the petition.

For these reasons, I strongly support the AAPM petition for rulemaking, PRM-35-20, and urge the NRC to approve the petition.

Template = SECY-067

SECY-02

From: Carol Gallagher
To: SECY
Date: Wed, Jan 17, 2007 11:54 AM
Subject: Comment letter on PRM-35-20

Attached for docketing is a comment letter on the above noted PRM that I received via the rulemaking website on 1/15/07.

Carol

Mail Envelope Properties (45AE54D3.416 : 5 : 35764)

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TEXT.htm	404	
1795-0056.doc	26112	Wednesday, January 17, 2007 11:33 AM

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