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(124)

PRM-35-20
(71FR64168)

DOCKETED
USNRC

January 17, 2007 (4:00pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

January 16, 2007

Annette L. Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attn: Rulemaking and Adjudications Staff

Dear Ms. Vietti-Cook:

I am writing on behalf of the American College of Radiation Oncology (ACRO), in support of the petition by E. Russell Ritenour, PhD (PRM-35-20). With a current membership of approximately 1,000, ACRO is a dedicated organization that represents radiation oncologists in the socioeconomic and political arenas. ACRO's mission is to promote the education and science of radiation oncology, to improve oncologic service to patients, to study the socioeconomic aspects of the practice of radiation oncology, and to encourage education in radiation oncology. Our members practice in freestanding centers and hospital outpatient departments and represent a mixture of academic and private practitioners accurately reflecting the current status of the profession at this time.

After careful consideration of materials pertinent to this issue, members of ACRO believe that ABR and ABMP certified physicists should be recognized as grandfathered for their respective specialties by this certification.

Please note the following discussion as you consider Dr. Ritenour's petition:

1. ACRO sees no evidence to support the NRC's choice of October 24, 2005 as the cut-off date to determine who is qualified or not qualified as ABR or ABMP certified medical physicists. This date appears to be random and arbitrary, with no data to indicate that certified individuals after that date are more qualified than those certified prior. Indeed, individuals certified after that date lack years of experience in the field accumulated by those certified prior.

2. By undermining the ABR/ABMP certification process, the NRC act will cause confusion with regard to determining who properly is qualified to be an AMP or RSO, resulting in (a) ambiguity in defining a "qualified practitioner" and thus, (b) limiting qualified candidates available to hire who meet an acceptable standard of both certification and experience.

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3. The current NRC act will make the process of moving from state to state problematic at best for an AMP; if states do not accept ABR or ABMP certification outright, then each state must interpret and define an "alternative path." This can lead to a lower standard rather than a higher one. The proposed alternative pathway is very complex, difficult to document, and provides no additional level of patient protection compared to the petition.

We have appreciated the opportunity to address these concerns with the NRC. ACRO firmly supports Dr. Ritenour's position and asks the Commission to amend the rules accordingly. 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.

Respectfully Submitted,

D. Jeffrey Demanes, MD, FACRO
President

Copies: Mr. Mohammad Saba, NRC
ACRO Executive Committee

From: Carol Gallagher
To: SECY
Date: Wed, Jan 17, 2007 12:20 PM
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 (45AE5AEC.416 : 5 : 35764)

Subject: Comment letter on PRM-35-20
Creation Date Wed, Jan 17, 2007 12:20 PM
From: Carol Gallagher

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