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January 16, 2007

**PRM-35-20
(71FR64168)**

DOCKETED
USNRC

Dale E. Klein, Ph.D.
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

January 17, 2007 (4:50pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Re: PRM-35-20, Ritenour / AAPM Petition

Dear Dr. Klein,

The American Society for Therapeutic Radiology and Oncology (ASTRO) appreciates the opportunity to provide comments on the petition filed by Dr. Russell Ritenour on behalf of the American Association of Physicists in Medicine noticed in the Federal Register on November 1, 2006 (71 Fed.Reg. 64168). ASTRO is the largest radiation oncology society in the world, with more than 8,500 members who specialize in treating patients with radiation therapies. As the leading organization in radiation oncology, biology and physics, the Society is dedicated to the advancement of the practice of radiation oncology by promoting excellence in patient care, providing opportunities for educational and professional development, promoting research, disseminating research results and representing radiation oncology in a rapidly changing healthcare environment.

ASTRO fully supports this petition and urges the Nuclear Regulatory Commission (NRC) to revise the grandfathering provisions found at 10 CFR 35.57 to include medical physicists recognized by either the American Board of Radiology (ABR) or the American Board of Medical Physics (ABMP) for the modalities that they practiced as of October 24, 2005. Further, ASTRO believes that parallel action should be taken to grandfather physicians such as radiation oncologists recognized by the ABR for the modalities they practiced as of October 24, 2005.

ASTRO concurs with AAPM's findings that certification by the ABR or ABMP demonstrates the competence of medical physicists to practice. Likewise, physicians who are certified by the ABR have demonstrated their competence. ASTRO concurs with the Advisory Committee on Medical Uses of Isotopes' (ACMUI) previously stated concern that the recent changes to the training and experience (T&E) requirements under the certification pathway have marginalized specialty boards.

Further, ASTRO's members are experiencing shortages anticipated by the ACMUI in 2002 of individuals qualified to serve as Radiation Safety Officers (RSOs), Authorized Medical Physicists (AMPs), Authorized Nuclear Pharmacists (ANPs), and Authorized users (AUs) because board certification no longer meets the requirements for T&E under the certification pathway for all diplomates. ASTRO's members work in teams with RSOs, AMPs, and AUs to ensure the safety of patients that they treat. As predicted by the ACMUI, our members who fall in this grandfather gap have experienced increased difficulty in obtaining their authorized status and in finding individuals who are qualified to serve in other authorized capacities.

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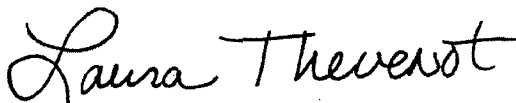
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We doubt it was the intent of the NRC to deny recognition to any physician or medical physicist who was practicing as of October 24, 2005 or to minimize the importance of the certifying boards. Yet, it has become clear that these diplomates of the ABR and ABMP must apply via the "alternative pathway" to serve as AMPs and RSOs and can no longer be listed on a license via the "certification pathway." We take issue with the logic of NRC's regulations regarding the T&E requirements for RSOs, AMPs, and AUs which were acceptable before October 25, 2005 but are no longer acceptable after October 25, 2005.

We acknowledge the NRC's responsibility to provide protections for radiation safety. However, we believe the NRC's recent modifications to the process for recognizing certifying boards have increased regulatory burdens upon this community without offsetting the costs associated with the burdens with increased safety. We believe this interpretation is overly burdensome given the risk associated with allowing for AU, AMP, and RSO status to those who were board certified as of October 25, 2005. We respectfully request the NRC to grant the AAPM's petition on this issue and encourage the agency to expand its review beyond medical physicists to other recognized authorized users such as physicians.

We would look forward to working with the NRC to reevaluate the regulations in this area. If you need any additional information, please contact Emily Wilson, ASTRO's Director of Government Relations, at 703-839-7364.

Sincerely,

A handwritten signature in cursive script that reads "Laura Thevenot". The signature is written in dark ink and is positioned above the printed name and title.

Laura Thevenot
Chief Executive Officer

From: Carol Gallagher
To: SECY
Date: Wed, Jan 17, 2007 4:47 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 1/16/07.

Carol

Mail Envelope Properties (45AE997C.416 : 5 : 35764)

Subject: Comment letter on PRM-35-20
Creation Date Wed, Jan 17, 2007 4:47 PM
From: Carol Gallagher

Created By: CAG@nrc.gov

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Files	Size	Date & Time
MESSAGE	535	Wednesday, January 17, 2007 4:47 PM
TEXT.htm	404	
1795-0092.pdf	69020	Wednesday, January 17, 2007 4:12 PM

Options

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

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Security: Standard

Junk Mail Handling Evaluation Results

Message is not eligible for Junk Mail handling
Message is from an internal sender

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Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
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