

January 15, 2007

DOCKETED
USNRC

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

January 18, 2007 (8:30am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Re: PRM-35-20

Dear Ms. Vietti-Cook:

Thank you for the opportunity to comment on the petition for rulemaking filed by E. Russell Ritenour, Ph.D., on behalf of the American Association of Medical Physicists as published in the Federal Register Vol. 71 No. 211 on November 1, 2006. Dr. Ritenour's petition seeks to restore the recognition of diplomates of certifying boards that were previously recognized in 10 CFR Part 35 prior to October 25, 2005. I am a diplomate of the American Board of Health Physics and I support this petition for rulemaking and its general purpose. I strongly suggest that the Commission to amend its regulations as stated in paragraph 4.2 of the petition to "recognize individuals that were certified by a board that was listed in Subpart J of the of the old regulations for . . . §§ 35.50 (RSO) . . . prior to October 24, 2005."

The petition specifically focuses on the American Board of Radiology and the American Board of Medical Physics in its discussion of this portion of the proposed rule change, however the proposed change presented to the Commission is more general. This change includes recognition of individuals certified by the American Board of Health Physics (ABHP) as meeting the training and education (T&E) requirements to be an RSO on a medical license.

The current regulations require that individuals certified prior to October 25, 2005 by the ABHP be forced to use the alternate pathway unless they were listed on an NRC license as an RSO, or Agreement State, State License on or between certain dates. These additional steps pose an unnecessary burden and a complicated and jumbled set of requirement to individuals and licensees without a corresponding increase in public or worker health and safety. In this age of diminishing resources, licensees and individuals do not need to be put through an unnecessary maze. If anything, this regulation makes it more difficult for facilities to find qualified individuals, and those costs are ultimately borne by the public, with a negative impact on health care. This regulation has the exact opposite impact of its intent, does not reduce the regulatory burden, increases the cost of healthcare, and does not follow the principle of basic and common sense regulation.

I do not agree with the assertion implicit in the current regulations that individuals certified prior to 2005 are any less capable of performing as RSO. The ABHP comprehensive certification exam is devoted to radiation safety and training and has included medical applications and protection since its inception. Therefore, I believe that individuals considered qualified to be

RSO prior to October 25, 2005 by virtue of their board certification should continue to be considered qualified to hold this position.

I urge the Commission to seriously and favorably rule on this petition for rulemaking and modify 10 CFR 35 to recognize the certifications of those individuals who met the Part 35 training and experience requirements for RSO as of October 25, 2005.

Sincerely,

Shawn W. Googins, MS, CHP
Chair, American Board of Health Physics

From: Carol Gallagher
To: SECY
Date: Wed, Jan 17, 2007 4:58 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.

The commenter's address is:

Shawn Googins
9417 Balfour Drive
Bethesda MD 20814-5722

Carol

Mail Envelope Properties (45AE9BF8.416 : 5 : 35764)

Subject: Comment letter on PRM-35-20
Creation Date Wed, Jan 17, 2007 4:58 PM
From: Carol Gallagher

Created By: CAG@nrc.gov

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