

December 29, 2010

Charles H. Rose, Executive Director
American Association for Nuclear Cardiology, Inc.
5660 Airport Boulevard, Suite 101
Boulder, CO 80301

SUBJECT: RESPONSE TO OCTOBER 20, 2010, LETTER ON REQUIREMENTS IN TITLE 10
CODE OF FEDERAL REGULATIONS 19.12(a)(4).

Dear Mr. Rose:

This letter is in response to your letter to me dated October 20, 2010, concerning the requirements in 10 CFR 19.12(a)(4). That regulation requires licensees to instruct all individuals who in the course of employment are likely to receive in a year an occupational dose of 100 millirem on their responsibility to report promptly to the licensee any condition which may lead to or cause a violation of Commission regulations and licenses or unnecessary exposure to radiation and/or radioactive material. In your letter, you state your view that if a licensee is the source of the violation, action will not be taken, and ask what the responsibility is under these circumstances to report the violation to the NRC, ask what the individual's responsibility is to report if the individual is not an employee of the licensee, and ask what the implications for an individual would be in either of these scenarios if the individual did not report the condition.

While individual employees may be subject to licensee discipline under licensees' procedures for not reporting a violation, NRC's regulations do not require such reporting by individuals, although notwithstanding the regulatory requirements or whether an individual is an employee or not, NRC encourages individuals with concerns about licensed activities to communicate those concerns to the NRC. However, NRC's regulations do require that a licensee notify the Commission of any information identified as having for the regulated activity a significant implication for public health and safety or common defense and security. With regard to medical licensees, that requirement is established in 10 CFR 30.9. In addition, self identification and prompt corrective action are considered in evaluating the severity of violations, and licensees do take these actions.

If you have further information or questions, please contact Donna-Beth Howe, Ph.D., Division of Materials Safety and State Agreements, Medical Radiation Safety Team at (301) 415-7848 or via e-mail at donna-beth@nrc.gov.

Sincerely,

/James Luehman For/

Robert J. Lewis, Director
Division of Materials Safety
and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

If you have further information or questions, please contact Donna-Beth Howe, Ph.D., Division of Materials Safety and State Agreements, Medical Radiation Safety Team at (301) 415-7848 or via e-mail at donna-beth@nrc.gov.

Sincerely,

/James Luehman For/

Robert J. Lewis, Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
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