



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

January 18, 2019

Dr. Carol S. Marcus, Ph.D., M.D.  
1877 Comstock Avenue  
Los Angeles, CA 90025-5014

SUBJECT: RESPONSE TO DR. CAROL MARCUS REGARDING ENFORCEMENT OF  
TITLE 10 *CODE OF FEDERAL REGULATIONS* PART 35.390

Dear Dr. Marcus:

I am writing in response to your letter to Annette L. Vietti-Cook, of the U. S. Nuclear Regulatory Commission (NRC) Office of the Secretary, dated December 6, 2018, concerning residency training programs' compliance with the training and experience requirements in Title 10 *Code of Federal Regulations* (10 CFR) Part 35.390, "Training for use of unsealed byproduct material for which a written directive is required," and the NRC's inspection and enforcement of these requirements. Thank you for sharing your concerns. We take concerns expressed by external stakeholders seriously, and as such, we have forwarded your concerns to both the NRC's Office of the Inspector General (OIG) and the NRC's Allegation Program in the Office of Enforcement. The NRC's OIG is an independent and objective unit that supervises audits and conducts investigations relating to the NRC's programs and operations. The NRC's Allegation Program deals with concerns associated with NRC requirements and wrongdoing by individuals or organizations who are subject to those requirements.

As you are aware, the NRC staff is seeking comments on the training and experience requirements for authorized users for use of unsealed byproduct material for which a written directive is required. In its October 29, 2018 *Federal Register* notice (FRN) requesting comments on the NRC staff's training and experience evaluation (83 FR 54380), the staff included specific questions about medical specialty boards. Since your comments relate closely to the FRN and are within the comment period, your letter has been forwarded for inclusion in the FRN comment docket for the staff's evaluation. This letter also confirms receipt and inclusion of your separate comment letter dated December 5, 2018, addressed to May Ma in the NRC's Office of Administration.

Thank you for your comments on the staff's 10 CFR 35.390 training and experience evaluation. We are confident that your comments, in addition to other comments received in response to the FRN, will assist us in developing the appropriate oversight and regulatory framework needed to address concerns regarding training and experience requirements.

If you have any further questions or concerns, please feel free to contact me by e-mail at [Marc.Dapas@nrc.gov](mailto:Marc.Dapas@nrc.gov), or by phone at (301) 415-0595, up until January 31, 2019. After that date, please contact Andrea Kock by e-mail at [Andrea.Kock@nrc.gov](mailto:Andrea.Kock@nrc.gov), or by phone at 301-415-3340.

Sincerely,

*/RA/*

Marc L. Dapas, Director  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: RESPONSE TO DR. CAROL MARCUS REGARDING ENFORCEMENT OF  
TITLE 10 *CODE OF FEDERAL REGULATIONS* PART 35.390

DISTRIBUTION: LTR-18-0478-1MSST

RidsEDOMailCenter

AVietti-Cook (SECY)

MMa (ADM)

**Package: ML18344A608**

**Response: ML19009A494**

**Incoming: ML18352B065**

OFFICE	NMSS/MSEB	NMSS/MSEB	NMSS/MSEB:TL	NMSS/MSEB:BC
NAME	RSun*	SLopas*	LDimmick*	CEinberg
DATE	12/29/18	01/02/19	01/02/19	01/11/19
OFFICE	NMSS/MSST:DD	TechEd	NMSS/D	
NAME	KWilliams	CGoode	MDapas	
DATE	01/15/19	01/17/19	01/18/19	

**OFFICIAL RECORD COPY**  
via e-mail\*