

members, and members of the public provided useful information to the NRC in preparing the proposed rule. A person from the State of Alabama represented the Organization of Agreement States and participated as a member of the working group with the NRC staff in the development of this proposed rule.

#### *Additional Recommendations of the ACMUI*

At the teleconference held on July 17, 2003, the full ACMUI discussed the draft proposed rule. During the teleconference, the ACMUI approved the NRC staff recommendation to broaden the requirement that supervised clinical experience be received in a "radiation facility" rather than in a "radiation oncology facility" for individuals to qualify as AMPs, in § 35.51(b)(1) of the proposed rule, and to change the requirement for experience in "radiation oncology" in paragraph § 35.690(b)(2) to allow for experience in "radiation therapy." Parallel changes were made to the certification pathway for AMPs in the proposed rule in § 35.51(a)(2)(ii) and in § 35.690(a)(1) for uses under § 35.600. Secondly, the ACMUI recommended that the requirements for experience, described in the current rule in § 35.390(b)(1)(ii)(G), not be included in criteria for recognition of specialty board certifications, but, that they continue to be required for AUs meeting T&E requirements for both the certification and alternate pathways. This recommendation was not adopted because the NRC staff believes that the requirements for work experience in § 35.390(b)(1)(ii)(G) are essential for an individual to be able to function independently as an AU for administration of byproduct material for which a written directive is required. Furthermore, if the requirement were removed from the certification pathway, individuals and applicants for licenses or amendments would be required to provide documentation of completion of requirements for experience required under § 35.390(b)(1)(ii)(G), in addition to evidence of board certification, to gain approval as AUs. Therefore, this requirement was retained in the proposed rule. Thirdly, the ACMUI recommended that the requirement for a preceptor statement be separated from the board certification pathway and the alternate pathway, and specified separately as a new paragraph in each training section. This recommendation was approved by the Commission in SRM-03-0145 and incorporated into the proposed rule. Lastly, the ACMUI recommended that the word "attest"

should be used in place of certify (certification) in preceptor statements. The ACMUI explained that the reason for this recommendation was to reflect the current practice that preceptors do not "certify" individuals, but "attest." As noted below under the heading "*Invitation for Public Comment on Specific Issues*," the NRC is inviting comment on the issue of whether the word "attestation" should be used in place of the word "certification" in preceptor statements.

#### *Timing of Agreement State Implementation*

Normally, Agreement States have 3 years in which to adopt a compatible rule. Agreement States have until October 24, 2005, to adopt the revised 10 CFR part 35 published on April 24, 2002. For Agreement States to adopt the proposed training and experience requirements contained in this proposed rule and have them in place by October 24, 2005, the Agreement States would have a shortened time frame for developing compatible requirements. Agreement States have voiced concern regarding this shortened time frame. As indicated below under the heading "*Invitation for Public Comment on Specific Issues*," the NRC is inviting comment on the timing of implementation of the proposed rule in Agreement States.

#### *Invitation for Public Comment on Specific Issues*

The NRC is seeking public comment on the following issues:

1. Do the proposed revisions to requirements for training and experience provide reasonable assurance that RSOs, AMPs, ANPs, and AUs will have adequate training in radiation safety?
2. Should Agreement States establish the requirements to conform with this proposed rule by October 24, 2005, or should they follow the normal process and be given a full 3 years to develop a compatible rule? (See discussion under the heading, "Timing of Agreement State Implementation," above.)
3. Should the word "attestation" be used in place of the word "certification" in preceptor statements? (See discussion under the topic "*Recommendations of the ACMUI*," above.)

#### **Section-by-Section Analysis**

##### *Section 35.2—Definitions*

This section would be amended to incorporate conforming changes necessitated by amendments to other sections. The definition of authorized

medical physicist (AMP) would be changed to include a reference in paragraph (1) to the requirement for obtaining a preceptor statement in proposed § 35.51(c) and the proposed requirement for training specific to type of use in proposed § 35.51(d). The definition for authorized nuclear pharmacist (ANP) would be changed in paragraph (1) to include a reference to the requirement for obtaining a preceptor statement in proposed § 35.55(c). The definition of authorized user (AU) would be changed in paragraph (1) to include references to the requirement for obtaining a preceptor statement in proposed §§ 35.390(c), 35.490(c), and 35.690(c). The requirement for training specific to type of use in proposed § 35.690(d) would also be added to the definition of AU. The definition of radiation safety officer (RSO) would be changed in paragraph (1) to include references to the requirements for obtaining a preceptor statement in proposed § 35.50(c) and 35.50(d)(ii) and to the requirement for training specific to type of use in proposed § 35.50(e).

##### *Section 35.10—Implementation*

This section would be amended to incorporate conforming changes necessitated by amendments to other sections. Paragraph (b) would be amended to require implementation of §§ 35.50(c), 35.50(e), 35.51(c), 35.51(d), 35.55(c), 35.390(c), 35.490(c), 35.690(c) and 35.690(d) by the effective date of the regulation.

##### *Section 35.13—License Amendments*

Paragraphs (b)(1), (b)(2), and (b)(3) of this section would be amended conform with changes to § 35.14(a) and proposed addition of §§ 35.390(c), 35.490(c), and 35.690(c) which would require submission of preceptor statements to the NRC. Paragraphs (b)(1) and (b)(3) would be amended to reference requirements for T&E specific for types of use added in proposed amendments § 35.690(d) and § 35.51(d), respectively.

##### *Section 35.14—Notifications*

This section would be amended to add a requirement to paragraph (a) to submit a copy of a written certification signed by a preceptor in addition to a copy of the board certification now required in this paragraph.

##### *Section 35.50—Training for Radiation Safety Officer*

This section would be amended to modify the requirements that must be met as part of a specialty board certification process for the specialty board to be recognized by the