

(e) How the proposed regulation, as modified, would still adequately protect public health and safety.

Backfit Analysis

The Commission has determined that the backfit rule does not apply to this proposed rule because these amendments would not involve any provision that would impose backfits as defined in 10 CFR Chapter 1. Therefore, a backfit analysis is not required for this proposed rule.

List of Subjects in 10 CFR Part 35

Byproduct material, Criminal penalties, Drugs, Health facilities, Health professions, Medical devices, Nuclear materials, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR part 35.

PART 35—MEDICAL USE OF BYPRODUCT MATERIAL

1. The authority citation for part 35 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

2. In § 35.2, the definitions of “authorized medical physicist,” “authorized nuclear pharmacist,” “authorized user,” and “radiation safety officer” are amended by republishing the introductory text and revising paragraph (1) of each definition to read as follows:

§ 35.2 Definitions.

* * * * *

Authorized medical physicist means an individual who—

(1) Meets the requirements in §§ 35.51(a), 35.51(c), 35.51(d), and 35.59; or, before October 24, 2004, meets the requirements in §§ 35.961(a), or (b), and 35.59; or

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Authorized nuclear pharmacist means a pharmacist who—

(1) Meets the requirements in §§ 35.55(a), 35.55(c) or 35.55(d)(2), 35.55(e), and 35.59; or, before October 24, 2004, meets the requirements in §§ 35.980(a) and 35.59; or

* * * * *

Authorized user means a physician, dentist, or podiatrist who—

(1) Meets the requirements in §§ 35.59 and 35.190(a), 35.290(a), 35.390(a) and (c), 35.392(a), 35.394(a), 35.490(a) and (c), 35.590(a), or 35.690(a), 35.690(c) and 35.690(d); or, before October 24, 2004, meets the requirements in §§ 35.910(a), 35.920(a), 35.930(a), 35.940(a), 35.950(a), 35.960(a) and 35.59; or

* * * * *

Radiation Safety Officer means an individual who—

(1) Meets the requirements in §§ 35.50(a), 35.50(c), 35.50(e), and 35.59; or 35.50(d), 35.50(e), and 35.59; or, before October 24, 2004, §§ 35.900(a) and 35.59; or

* * * * *

3. In § 35.10, paragraph (b) is revised to read as follows:

§ 35.10 Implementation.

* * * * *

(b) A licensee shall implement the training requirements in §§ 35.50(a), 35.50(c), 35.50(e), 35.51(a), 35.51(b), 35.51(c), 35.51(d), 35.55(a), 35.55(c), 35.59, 35.190(a), 35.190(c), 35.290(a), 35.290(c), 35.390(a), 35.390(b), 35.390(c), 35.392(a), 35.392(c), 35.394(a), 35.394(c), 35.490(a), 35.490(b), 35.490(c), 35.590(a), 35.590(b), 35.690(a), 35.690(b), 35.690(c), and 35.690(d) on or before “[insert effective date of final rule]”.

* * * * *

4. In § 35.13, paragraphs (b)(1), (b)(2) and (b)(3) are revised to read as follows:

§ 35.13 License amendments.

(b) * * *

(1) For an authorized user, an individual who meets the requirements in §§ 35.190(a); 35.290(a); 35.390(a) and 35.390(c); 35.392(a); 35.394(a); 35.490(a) and 35.490(c); 35.590(a); 35.690(a), 35.690(c) and 35.690(d); 35.910(a); 35.920(a); 35.930(a); 35.932; 35.934; 35.940(a); 35.950(a); or 35.960(a) and 35.59;

(2) For an authorized nuclear pharmacist, an individual who meets the requirements in § 35.59 and—

(i) 35.55(a) and 35.55(c) or

(ii) 35.980(a);

(3) For an authorized medical physicist, an individual who meets the requirements in §§ 35.59 and—

(i) 35.51(a), 35.51(c) and 35.51(d) or

(ii) 35.961(a) or (b);

* * * * *

5. In § 35.14, paragraph (a) is revised to read as follows:

§ 35.14 Notifications.

(a) A licensee shall provide the Commission a copy of the board certification and the written

certification(s) signed by a preceptor, the Commission or Agreement State license, the permit issued by a Commission master material licensee, the permit issued by a Commission or Agreement State licensee of broad scope, or the permit issued by a Commission master material license broad scope permittee for each individual no later than 30 days after the date that the licensee permits the individual to work as an authorized user, an authorized nuclear pharmacist, or an authorized medical physicist, under § 35.13 (b)(1) through (b)(4).

* * * * *

6. In § 35.50, paragraphs (a) and (c) are revised, paragraph (b)(2) is removed and reserved, and paragraphs (d) and (e) are added to read as follows:

§ 35.50 Training for Radiation Safety Officer.

* * * * *

(a) Is certified by a specialty board whose certification process has been recognized by the Commission or an Agreement State. (Specialty Boards whose certification processes have been recognized by the Commission or an Agreement State will be posted on the NRC's Web page.) To be recognized, a specialty board shall require all candidates for certification to:

(1) Hold a bachelor's or graduate degree from an accredited college or university in physical science or engineering or biological science with a minimum of 20 college credits in physical science;

(2) Have 5 or more years of professional experience in health physics (graduate training may be substituted for no more than 2 years of the required experience) including at least 3 years in applied health physics; and

(3) Pass an examination administered by diplomates of the specialty board, which evaluates knowledge and competence in radiation physics and instrumentation, radiation protection, mathematics pertaining to the use and measurement of radioactivity, radiation biology, and radiation dosimetry; or

(b) * * *

(2) [Reserved]

(c) Has obtained written certification, signed by a preceptor Radiation Safety Officer, that the individual has satisfactorily completed the requirements in paragraph (a) or (b) of this section and has achieved a level of radiation safety knowledge sufficient to function independently as a Radiation Safety Officer for a medical use licensee; or

(d)(1) Is an authorized user, authorized medical physicist, or