



HEALTH PHYSICS SOCIETY

“Specialists in Radiation Safety”

December 29, 2006

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

Brian Dodd, Ph.D.

President

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Dear Ms. Vietti-Cook:

On behalf of the Health Physics Society¹ (HPS), I am providing comments on a petition for rulemaking filed by E. Russell Ritenour, Ph.D. on behalf of the American Association of Medical Physicists, Docket No. PRM-35-20 as published in the Federal Register Vol. 71 No. 211 on Wednesday, November 1, 2006.

The purpose of Mr. Ritenour's petition is to revise the “grandfather” provision of Part 35 to recognize individual diplomates of certifying boards that were previously named in Part 35 prior to October 25, 2005. The HPS fully supports this petition for rulemaking. Specifically, the HPS supports the petition's proposed amendment regarding Radiation Safety Officers (RSO) as contained in paragraph 4.2 of the petition. That is, the HPS requests the Nuclear Regulatory Commission “recognize individuals that were certified by a board that was listed in Subpart J of the old regulations for . . . §§ 35.50 (RSO) . . . prior to October 24, 2005.”

Although the petition only discusses the American Board of Radiology and the American Board of Medical Physics in its discussion of this portion of the proposed rule change, the change, as presented, would also include recognition of individuals certified by the American Board of Health Physics (ABHP) as meeting the training and education (T&E) requirements for designation as an RSO. Recognition of the certification of individuals by the ABHP is the primary interest of HPS in this petition for rulemaking. Although the ABHP operates under the auspices of the American Academy of Health Physics, which is completely independent from the HPS, the HPS believes that medical health physicists and academic health physicists have demonstrated their competence to practice radiation safety through certification by the ABHP. The ABHP comprehensive certification exam is devoted to testing competence in radiation safety training and education and has included medical applications since its inception.

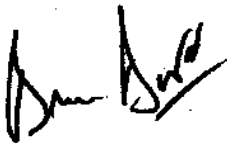
The medical and university health physics community concurs with the medical physics community that there is no evidence to support a rulemaking assertion that T&E requirements for listing as an RSO acceptable before October 25, 2005 are no longer acceptable as of October 25, 2005. We believe that individuals certified prior to October 25, 2005 by the recognized boards should not be forced

to the alternate pathway. These additional requirements are likely to pose an undue burden upon individuals and upon the radiation protection community.

In conclusion, HPS, as a radiation safety professional society, believes that individuals certified by the Boards under the old regulations, including the ABHP, should continue to be eligible for RSO under the amended regulations. HPS encourages the proposed amendment to 10 CFR 35.57 be enacted expeditiously to ensure that diplomates of the boards in Subpart J of the old regulations continue to be eligible for the RSO title in the medical and academic communities.

We would appreciate your consideration on this matter. Should you have any questions, please feel free to contact Keith Dinger, HPS Government Relations Liaison, at (603) 692-4270 or via email at govtliaison@hps.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian Dodd', with a stylized flourish at the end.

Brian Dodd, Ph.D.

¹ The Health Physics Society is a nonprofit scientific professional organization whose mission is excellence in the science and practice of radiation safety. Since its formation in 1956, the Society has grown to approximately 6,000 scientists, physicians, engineers, lawyers, and other professionals representing academia, industry, government, national laboratories, the Department of Defense, and other organizations. Society activities include encouraging research in radiation science, developing standards, and disseminating radiation safety information. Society members are involved in understanding, evaluating, and controlling the potential risks from radiation relative to the benefits. The Society headquarters may be contacted at 1313 Dolley Madison Blvd., Suite 402, McLean, VA 22101; phone: 703-790-1745; fax: 703-790-2672; email: HPS@BurkInc.com.