



# **Ritenour Petition Rulemaking Issue**

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# **Background**

- **Part 35 was revised in 2002**
- **There were issues with the training and experience (T&E) requirements**
- **T&E requirements were finalized in 2005**
- **To provide continuity, Subpart J of the “old regulations” was effective until October 2005**

# **Pathways for Authorization**

- 1. An individual may be certified by a “recognized board”**
- 2. Approval based on an individual’s T&E (alternate pathway)**
- 3. Identification of an individual on an NRC or AS license (petitioner referred to it as the “grandfathered” pathway)  
[10 CFR 35.57(a)]**

# **Petitioner's Concern**

- **2005 T&E regulations have inadvertently affected a group of board certified professionals**
- **These individuals must now apply through the “alternate” pathway**
- **Alternate pathway places an undue burden and could result in a shortage of AMPs and RSOs**

# **Ritenour Petition Resolution (PRM-35-20)**

- **NRC resolved the petition in May 2008 and concluded that 2005 revision may have adversely affected some board-certified professionals, including authorized users**
- **Issues raised in the petition will be considered for rulemaking if a technical basis can be developed**

# **Technical Basis Development**

- **In October 2008, NRC staff asked certifying boards to survey their Diplomates who are or may be affected by the 2005 T&E revision**
- **Responses were received from 5 of the 9 contacted boards**
- **Approximately 10,000 individuals may potentially be affected**

# **Preceptor Attestations for the “affected individuals”**

**The petitioner requested to amend 35.57**

**-to recognize board certified medical  
physicists for the modalities they  
practiced as of October 24, 2005**

**- to recognize all diplomates for  
RSOs, providing the appropriate  
preceptor statement**

# **Discussion**

- **In the Part 35 expanded rulemaking, removal of the attestation requirement for board certified individuals is under consideration**
- **However, the staff proposes to maintain attestation requirements for “grandfathered” individuals**

# **SUPPLEMENTAL INFORMATION**

# **10 CFR 35.57 (a)**

**Currently under 35.57(a)**

**---an individual identified as an RSO, a medical or teletherapy physicist, or a nuclear pharmacist on an NRC or AS license before October 24, 2002 need not comply with the T&E requirements in 10 CFR 35.50, 35.51, or 35.55, respectively**

## **10 CFR 35.57 (a) contd.**

**--- an individual identified as an RSO, an authorized medical physicist (AMP), or an authorized nuclear pharmacist on an NRC or AS license between October 24, 2002 and April 29, 2005 need not comply with the T&E requirements in 10 CFR 35.50, 35.51, or 35.55 respectively**

# **Survey Result: Response Rate**

- **ABHP----- 44 %**
- **ABMP----- 90 %**
- **ABR**
  - **Radiologists----- 36 %**
  - **Oncologists----- 42 %**
  - **Physicists----- 52 %**
- **AOBR (radiologists)----- 47 %**
- **AOBR (oncologists)----- 50 %**

# **Individuals Potentially Affected**

- **ABHP----- 848**
- **ABMP----- 148**
- **ABR**
  - **Radiologists----- 7900**
  - **Oncologists----- 260**
  - **Physicists----- 415**
- **AOBR (radiologists)----- 77**
- **AOBR (oncologists)----- 0**

# **Boards That Did Not Respond**

- **American Board of Nuclear Medicine**
- **American Board of Science in Nuclear Medicine**
- **American Osteopathic Board of Nuclear Medicine**
- **Board of Pharmaceutical Specialties**

# **Acronyms**

- **ABHP: American Board of Health Physicists**
- **ABMP: American Board of Medical Physicists**
- **ABR: American Board of Radiologists**
- **AMP: Authorized Medical Physicists**
- **AOBR: American Osteopathic Board of Radiology**

## **Acronyms Cont'd**

- **AS: Agreement States**
- **RSO: Radiation Safety Officer**