



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

March 19, 1984

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reline*

MEMORANDUM FOR: Richard E. Cunningham  
FROM: Clyde Jupiter *Clyde Jupiter*  
SUBJECT: COMMENTS ON DRAFT 10 CFR PART 35 AND DRAFT REVISION OF  
REGULATORY GUIDE 10.8, GUIDE FOR THE PREPARATION OF  
APPLICATIONS FOR MEDICAL PROGRAMS

In response to your request of February 13, 1984, the draft Part 35 and draft Reg. Guide 10.8 have been reviewed. These documents have been greatly improved by the recent work on them and they appear generally to be in good form. Several outstanding questions, including the issue of patient excreta exemptions, the apparent use of conflicting language in the discussion of general licenses and a number of other minor issues were resolved in a staff meeting on March 15.

However, there is an issue regarding physicians' training which deserves attention. The statement is made in the Part 35 package (Enclosure 1, p. 61, middle §) that training of physicians may be received as private tutored instruction, or elsewhere. There is no apparent procedure to assure that the tutor is qualified or that the course of instruction is adequate. The classroom and laboratory training requirements given on pp. 134, 137, 139, 141, 142, 143 and 144 of Enclosure 1 do not provide assurances of training adequacy. There is a risk that the applicant may either unknowingly select an unqualified tutor, select a tutor who will conduct an inadequate source of instruction, or the applicant may falsify information regarding tutored instruction received. In any case, simple reliance on the applicant's statement regarding privately tutored instruction received may lead to the granting of a license to an improperly trained applicant, resulting in possible health risks for patients and staff.

As a possible fix, the regulation might be revised to require either of the following: (1) that only courses of instruction from NRC-accredited institutions would be acceptable; (2) that physicians pass a qualifying test administered by NRC; or (3) that any tutored instruction or training be endorsed or verified by a licensed physician. The latter option would still not provide complete assurance of adequacy of training, but would raise the level of confidence that the training was adequate by involving someone other than the applicant in the training verification.

*Clinical training under an A.U.*

The question of assurance of training adequacy applies to other parts of NRC's regulations besides Part 35. For example, §33.15 (Requirements for the issuance of a Type C specific license of broad scope), in Section (b)(1) requires

"(a) a college degree at the bachelor level, or equivalent training and experience ...; (2) at least 40 hours of training and experience in the safe handling of radioactive materials ...",

without specifying requirements for the adequacy of the training and experience. Any consideration to revise Part 35 to provide assurance of the adequacy of training should, for consistency, include similar adjustments in other parts of the Commission's regulations where non-accredited instruction or training is allowed. Any such general revision of the regulations, however, might more appropriately be considered separately from the current revision of Part 35.

I hope you will find these comments useful.

Attachment:  
As Stated

cc: J. E. Zerbe  
D. Rathbun  
N. McElroy  
V. MILLER