UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
WASHINGTON, D.C. 20555

September 27, 2002

NRC INFORMATION NOTICE 2002-28: APPOINTMENT OF RADIATION SAFETY OFFICERS AND AUTHORIZED USERS UNDER 10 CFR PART 35

Addressees:

All medical licensees.

Purpose:

The U.S. Nuclear Regulatory Commission (NRC) is issuing this information notice (IN) to inform licensees of the importance of ensuring that Radiation Safety Officers (RSOs) and Authorized Users (AUs) are appointed with the individuals' knowledge and consent. This IN is also being issued to inform licensees of the new requirement affecting the appointment of RSOs under the revised 10 CFR Part 35, "Medical Use of Byproduct Material." It is expected that recipients will review the information for applicability to their facilities and consider actions, as appropriate, to ensure compliance with the new NRC requirement. However, no specific action nor written response is required.

Description of Circumstances:

Several recent NRC inspections have identified cases involving medical licensees who appointed an RSO or AU without this individual's knowledge or consent. As a result, licensed activities were performed without the oversight of an RSO and dosages were administered to human patients without the supervision of an AU.

Discussion:

The current Part 35 states that a licensee shall appoint an RSO responsible for implementing the radiation safety program, but there is no explicit regulatory requirement for written acceptance by the RSO. The revised Part 35, which becomes effective October 24, 2002, provides a new requirement for appointment of the RSO for medical facilities. Specifically, 10 CFR 35.24(b) states that a licensee's management shall appoint an RSO, who agrees, in writing, to be responsible for implementing the radiation protection program. A clear written agreement between licensee management and the RSO can prevent confusion about the RSO's role and responsibilities. Licensees appointing RSOs after the effective date of the revised rule are required to adhere to this new requirement.

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The revised Part 35 also requires that the AU provide supervision to individuals using licensed material. Specifically, 10 CFR 35.27(a)(2) requires the supervised individual to follow the instructions of the supervising AU for medical uses of byproduct material. Although there is no requirement for a written agreement between the AU and management, licensees are expected to ensure that AUs are aware of their respective roles and responsibilities.

This IN requires no specific action nor written response. If you have any questions about the information in this notice, please contact one of the technical contacts listed below, or the appropriate regional office.

/RA/
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Attachments:
1. List of Recently Issued NMSS Information Notices
2. List of Recently Issued NRC Information Notices