



Exemption Authorization

Authorized User: Veterinary Authorized Users

Exemption: 25 TAC 289.256(jj), (nn)-(qq), (aaa), (ccc), (ttt) Exemption No.: E26-02

Lic. /Reg. No.: N/A

Generic Exemption: Y

Amendment No.: N/A

Entity#: N/A

Exemption Pursuant to:

- ☐ §289.201(c)(1)(A) [state of technology]
- ☐ §289.201(c)(1)(B) [economic considerations]
- ☒ §289.201(c)(1)(C) [societal, socioeconomic, or public health and safety considerations]

Approval Signature

Date

Radioactive Material Licensing
Branch Program Coordinator:

Radioactive Material Licensing
Branch, Manager:

Radioactive Materials
Inspections Branch, Manager:

Radiation Section, Deputy
Director:

Karl Von Ahn Digitally signed by Karl Von Ahn
Date: 2026.06.04 07:51:02 -05'00' 6/4/26

Jason Callahan Digitally signed by Jason Callahan
Date: 2026.06.05 10:37:01 -05'00' 6/5/26

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Description of Exemption

A petition for rulemaking was submitted on May 5, 2026, regarding the training and experience requirements for veterinary use of radioactive material. The petition request included excepting the veterinarian training and experience requirements of 25 TAC §289.256(jj), (nn)-(qq), (aaa), (ccc), and (ttt) in 25 TAC §289.256(b)(2) and replacing it with an alternate training requirement in 25 TAC §289.256(c).

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This generic exemption provides temporary relief from the veterinary training and experience requirements identified below by recognizing additional exceptions for veterinary uses while rulemaking is pending. This generic exemption remains in effect until rules addressing the petition are finalized and in effect, unless withdrawn or modified earlier by the agency.

In addition to the veterinarian exemption listed in §289.256(b)(2), the training and experience requirements in §289.256(jj), (nn)-(qq), (aaa), (ccc), and (ttt) are also exempt. This exemption applies only to the identified veterinary authorized user training and experience requirements and does not exempt licensees from written directive, patient release, radiation safety, possession, use, survey, recordkeeping, or other applicable requirements unless expressly stated.

The training requirements in §289.256(c)(6)(B)(ii) for §289.256(jj), (nn)-(qq), (aaa), (ccc), and (ttt) are replaced with the following:

(ii) has received 80 hours of training and experience, including a minimum of eight hours of classroom and laboratory training, in basic radionuclide handling techniques applicable to the veterinary use for the type radioactive material. The training and experience must include:

(I) classroom and laboratory training in:

- (a) radiation physics and instrumentation
- (b) radiation protection;
- (c) mathematics pertaining to the use and measurement of radioactivity;
- (d) chemistry of radioactive material for medical or veterinary use; and
- (e) radiation biology; and

(II) work experience involving:

- (a) ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
- (b) performing quality control procedures on instruments used to determine the activity of dosages and performing checks for proper operation of survey meters;
- (c) calculating, measuring, and safely preparing patient or animal research subject dosages;
- (d) using procedures to contain spilled radioactive material safely and using proper decontamination procedures; and

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- (e) administering dosages of radioactive drugs to patients or animal research subjects; and
- (III) obtains written attestation that the individual has satisfactorily completed the requirements in subparagraph (ii) of this paragraph and is able to independently fulfill the radiation safety-related duties as an authorized user for the veterinary uses. The attestation must be obtained from either:
 - (a) a preceptor authorized user who meets the requirements of this subsection, or equivalent NRC or agreement state requirements; or
 - (b) a residency program director affirming in writing the attestation represents the consensus of the residency program faculty where at least one faculty member is an authorized user who meets the requirements in this subsection or equivalent NRC or agreement state requirements and concurs with the attestation provided by the residency program director. The residency training program must be approved by The American College of Veterinary Radiology and must include training and experience specified in subparagraph (A) of this paragraph.

The Radiation Safety Officer qualifications specified in §289.256(h) and (l) that reference the training and experience qualifications of §289.256(jj), (nn)-(qq), (aaa), (ccc), and (ttt) are replaced with this exemption's new veterinary training and experience in §289.256(c)(6)(B)(ii) listed above.

The training and experience requirement for veterinary uses in the licensing requirements of §289.256(jj), (nn)-(qq), (aaa), (ccc), and (ttt) in §289.256(n)-(q) are replaced with this exemption's new veterinary training and experience in §289.256(c)(6)(B)(ii) listed above.

Notwithstanding the patient release criteria in §289.256(cc)(1), the animal patient release criteria is reduced to 0.1 rem (1 mSv).

Rationale

1. The requirement for 700 hours of training and experience, including 200 hours of radiation safety training, reflects national requirements for physicians using radioactive materials and sources on humans.
2. The human physician use training requirements are prohibitively restrictive and limit the ability of veterinarians to offer imaging and treatment requiring the use of radioactive material.
3. The 700 hours of training, including 200 hours of radiation safety training excludes any veterinarian who is not a Diplomate of the American College of Veterinary Radiologists.
4. Texas is unique in that there is no other agreement state, nor the NRC, that applies human physician level training and experience to veterinarians.
5. The NRC and other agreement states require significantly less training than Texas's 700 hours of veterinary training and experience for diagnostic and therapeutic uses of radioactive materials without any reduction in safety.
6. The exemption of veterinarians from the physician level of training and experience, and replacing it with the reduced training and experience, is not prohibited by law and is not expected to result in a risk to public health and safety, and the environment.
7. The reduction in individual animal release criteria for public dose is limited to the 0.1 rem (1 mSv) public dose limit consistent with NRC NUREG 1556 Volume 7 Rev 1.