

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
WASHINGTON, DC 20555-0001

November 30, 2023

NRC INFORMATION NOTICE 2023-05: DISCONTINUATION OF THE U.S. NUCLEAR REGULATORY COMMISSION'S RECOGNITION OF THE AMERICAN BOARD OF RADIOLOGY'S CERTIFICATION PROCESSES

ADDRESSEES

All U.S. Nuclear Regulatory Commission (NRC) medical use licensees and NRC master materials licensees. All Agreement State Radiation Control Program Directors and State Liaison Officers.

PURPOSE

The NRC is issuing this information notice (IN) to inform addressees about the discontinuation of the NRC's recognition of the American Board of Radiology (ABR) certification processes and to remind addressees about the existing pathways for authorization under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 35, "Medical Use of Byproduct Material." The NRC expects that recipients will review the information for applicability to their facilities and consider actions, as appropriate. Information contained in this IN are not new requirements and no specific action or written response is required. The NRC is providing this IN to the Agreement States for their information and for distribution to their licensees, as appropriate.

DESCRIPTION OF CIRCUMSTANCES

Recently, the ABR, a major specialty board recognized by the NRC, informed the NRC of its intention to stop maintaining NRC recognition and requested that the NRC stop recognizing its certification processes after December 31, 2023. The ABR requested the discontinuation in a letter to the NRC dated April 6, 2022 (Agencywide Documents Access and Management System Accession No. ML22091A272). The ABR issues NRC-recognized certificates to many individuals (including physicians, physicists, and radiation safety officers (RSOs)). Its NRC-recognized certificates enable individuals to become authorized and listed as Authorized Users (AUs), Authorized Medical Physicists (AMPs), and Radiation Safety Officers (RSOs) or associate RSOs on medical use radioactive materials licenses using a "board certification" training pathway in accordance with criteria outlined in 10 CFR Part 35.

The NRC has recognized the ABR's certification processes (with certificates that include authorized individual designations, i.e., AU-Eligible, AMP-Eligible, and RSO-Eligible), since 2005 and will discontinue this recognition as requested. After December 31, 2023, the NRC will no longer recognize certification processes offered by the ABR as complying with the NRC training regulations in 10 CFR Part 35. Any ABR certificates issued after December 31, 2023, will not be acceptable for authorization for medical use through the board certification pathway. This discontinuation is the result of ABR's request and is not a result of NRC-identified insufficiencies in the certification processes. The NRC staff will update the Specialty Board

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Certifications Recognized by NRC Under 10 CFR Part 35 public website (<https://www.nrc.gov/materials/miau/med-use-toolkit/spec-board-cert.html>) and will share the termination letter and associated supporting information with the public and the medical community through the NRC medical list server (<https://www.nrc.gov/materials/miau/med-use-toolkit.html#mls>) and the NRC Medical Uses Licensee Toolkit website (<https://www.nrc.gov/materials/miau/med-use-toolkit.html>).

The regulations in 10 CFR Part 35 continue to offer an “alternate” training pathway for individuals affected by the ABR’s discontinuation and who may seek to become authorized individuals on an NRC or Agreement State license or permit in the future. The NRC is not undertaking any rulemaking to revise the existing training and experience requirements as a result of the ABR’s decision.

BACKGROUND

The ABR is one of the NRC-recognized specialty boards listed on the Specialty Board Certifications Recognized by NRC Under 10 CFR Part 35 public website, with certification processes for certain specialty areas that meet the NRC’s training and experience requirements under 10 CFR Part 35. On April 24, 2002, the NRC published in the *Federal Register* (FR) (67 FR 20249) a final rule to 10 CFR Part 35 that provided, among other things, a pathway for physicians to become authorized users if certified by a medical or specialty board whose certification process is “recognized” by the Commission. On March 30, 2005 (70 FR 16335), the NRC also published a final rule, “10 CFR Part 35—Medical Use of Byproduct Material Recognition of Specialty Boards,” that provided, among other things, the updated criteria that specialty boards must meet to be recognized by the NRC or the Agreement States.

Office of Nuclear Material Safety and Safeguards (NMSS) Office Procedure MSST-70-03, “Procedures for Recognizing, Monitoring, and Terminating the Certification Process of Specialty Boards,” dated January 7, 2021 (ML20351A389), provides guidance to the NRC staff and Agreement States on how to request and evaluate applications from specialty boards to determine whether their certification processes satisfy the requirements for recognition. The procedure also provides instructions on posting recognized board certifications on the NRC Medical Uses Licensee Toolkit website.

On March 30, 2022, the ABR hosted a webinar to share information about its decision to discontinue its NRC recognition and stop including individual authorization designations for AUs, AMPs, and RSOs on ABR certificates issued after December 31, 2023. The recording of the session as well as answers to frequently asked questions are available on the ABR website (<https://www.theabr.org/blogs/authorized-user-eligibility-webinar-recording-and-faqs-available>).

The NRC’s Advisory Committee on the Medical Uses of Isotopes (ACMUI) Subcommittee on Training and Experience for All Modalities reviewed and evaluated the impacts of the ABR’s request to discontinue NRC recognition. The subcommittee provided its feedback and recommendations in a report presented to the full committee during the ACMUI 2022 Fall Public Meeting on December 5, 2022. The report was unanimously approved by the full committee during its public meeting on May 15, 2023. The subcommittee report (ML23136A459) and transcripts from the meeting can be accessed on the ACMUI’s website (<https://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2022.html>).

On September 12, 2023, the NRC held a public meeting on the ABR's decision to eliminate its NRC-recognized certification processes and discontinue or stop issuing all NRC-recognized ABR certificates after December 31, 2023. The NRC staff also responded to questions and provided information on how affected individuals seeking to become authorized individuals in the future can apply for authorization. The meeting summary (ML23283A056), meeting transcript, and NRC staff presentation can be accessed on the NRC Medical Uses Licensee Toolkit website.

DISCUSSION

The NRC's regulations require that individuals complete training and meet experience criteria to be authorized for the medical use of byproduct material and to independently fulfill the radiation-safety-related duties of an authorized individual. The regulations in 10 CFR Part 35 provide three main pathways for individuals seeking to become authorized and listed on a medical use radioactive materials license to satisfy the training and experience requirements and be initially approved and listed as an authorized individual for uses identified on a license:

- (1) approval of an individual who is certified by a medical specialty board that has a certification process recognized by the NRC or an Agreement State as meeting the NRC's requirements for training and experience, also known as the "board certification pathway;"
- (2) approval based on an evaluation of an individual's training and experience, including completion of hours of classroom and laboratory training and hours of supervised work experience (including patient casework), as well as a preceptor written attestation; also known as the "alternate training pathway;" and
- (3) approval based on previous identification as an authorized individual on an NRC or Agreement State license or permit.

The regulations in 10 CFR Part 35 provide a training pathway through NRC-recognized specialty boards for possible identification on a license as an authorized individual, by which a recognized board reviews and approves the individual's training and work experience. Once a board's certification process for a specialty area meets the NRC training and experience regulations in 10 CFR Part 35 and is recognized by the NRC or relevant Agreement State, a licensee may submit a licensing action request for any individual certified by that recognized specialty board to become an authorized individual on a radioactive materials medical use license, and NRC and Agreement State license reviewers may grant these approvals. Additionally, the NRC requires that an individual meet the provisions of 10 CFR 35.59, "Recentness of training," which require that an individual must have (1) completed their training and experience within 7 years preceding the date of the application or (2) had related continuing education and experience since completion of the required training and experience. This means that individuals who have received the ABR certificates with AU/AMP/RSO-Eligible designations before December 31, 2023, can use those certificates to obtain authorized individual status through the board certification pathway, if authorized individual status is requested within 7 years from the certificate's date of issuance.

The NRC staff maintains the Specialty Board Certifications Recognized by NRC Under 10 CFR Part 35 public website that lists the specialty boards and specialty areas recognized by the NRC. As part of the NRC recognition process, the specialty boards submit a sample certificate for each recognized specialty area. Recertification certificates are not recognized or

used in this process. This website also provides samples of board certificates to allow license reviewers to compare the sample certificates to the certificates submitted as part of a licensing action.

Effective January 1, 2024, the ABR's certification processes and certificates will no longer be recognized by the NRC or Agreement States, and the NRC Specialty Board website and the ABR sample certificate effective dates will be updated to reflect the new recognition status and date of discontinuation. Individuals with valid NRC-recognized ABR certificates issued before December 31, 2023, may use these certificates to request authorization through the board certification pathway. Individuals with ABR certificates that are not NRC recognized have the option to seek authorization through an alternate NRC training and experience pathway as provided for in 10 CFR Part 35. This alternate training pathway is for individuals without an NRC-recognized certificate to have their training documentation reviewed and approved directly by the NRC or Agreement States to allow for possible authorization. Potential applicants are reminded of the importance of maintaining appropriate documentation to facilitate the approval process for becoming an authorized individual.

CONTACT

This IN requires no specific action or written response. If you have any questions about the information in this notice, please contact the technical contact listed below or the appropriate regional office.

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Note: NRC generic communications may be found on the NRC public website, www.nrc.gov, under NRC Library/Document Collections.

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