

NOTE TO FILE

The Cooper Health System  
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inspection 2005001

In 1999, Cooper transferred two Varian Clinac 4 linear accelerators (linacs), containing depleted uranium (DU) shielding, to Medical Equipment Transport Specialists (METS) in Texas, who sold them to AME Engineer, Inc. in California, who sold them to 2 different hospitals in China where they are now in clinical use. Appendix B of Cooper's 2005 NRC license renewal application included a copy of an e-mail from Pete Myers, Manager, Radioactive Materials Licensing Group for Texas, which stated: "Medical Shipment Transport Specialists is not appropriately licensed to service/refurbish equipment containing depleted uranium."

Based on further discussions with Cooper and further review of documents, it appears that METS transferred the linacs to AME Engineer, Inc. without servicing or refurbishing them. When asked if Texas required a license for possession/storage of DU uranium linear accelerator shielding in 1999, Pete Myers replied: "Our rules authorize possession of depleted uranium (DU) in linacs for shielding/beam collimation without being issued a specific license; in 1999 such possession of DU was, and still is, authorized by rule under the auspices of a general license for source material [Title 25 Texas Administrative Code Section 289.251(f)(3)(D)] (see footnote). We have not required companies involved in purchase and re-sale of linacs to obtain specific licenses for the possession of DU unless the company intended to dismantle the machines for salvage parts, thereby removing and stockpiling the depleted uranium; we consider that the DU in machines being prepared for re-sale was still in the machines for the purpose of shielding and beam collimation once the machine was returned to service. Footnote: As long as the distributor of the shielding was authorized to distribute the DU as generally licensed material. In 1999 the only distributor of DU in accelerators was Varian or other companies dealing with older Varian accelerators and they were authorized to distribute DU as generally licensed material."

I reviewed this information with Pamela Henderson, Chief, Medical Branch on 11/12/05.

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12/19/2005