



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

January 19, 2006

Docket No. 03033333
CAL No. 1-06-001

License No. 37-30086-01

David J. Moylan, III, M.D.
President and Radiation Safety Officer
The Joint Center for Therapeutic Oncology
of Carbon County
800 Mahoning Street, Suite E
Lehighton, PA 18235

SUBJECT: CONFIRMATORY ACTION LETTER NO. 1-06-001

Dear Dr. Moylan:

License Number 37-30086-01 for The Joint Center for Therapeutic Oncology, located in Lehighton, PA, and The Simon Kramer Institute for Therapeutic Oncology, located in New Philadelphia, PA, authorizes the use of up to 999 kilograms of uranium, depleted in the isotope U-235 (DU), in the form of a metal for shielding in linear accelerators and a high dose rate remote afterloader unit. On May 18 and 19, 2005, Willie Lee of this office conducted an inspection of activities authorized by the license. During the course of the NRC inspection, the inspector noted that DU from four linear accelerators in your possession had been removed. Removal of DU shielding components from linear accelerators is not an activity authorized by your license.

These events are of particular concern to the NRC because they appear to be recurrent under this license (37-30086-01). An NRC inspection conducted in July and August 1999 determined that EquiMed Incorporated (EquiMed), the previous holder of this license, removed and replaced DU shielding components from linear accelerators, the same unauthorized activity that was identified in our May 2005 inspection of your facility. In 1999, EquiMed agreed to cease these activities and apply for a separate service license. These agreements were documented in a Confirmatory Action Letter (CAL) dated August 25, 1999. At that time, the service license was issued to Comprehensive Physics and Regulatory Services, LTD, for the possession, use and storage of DU incident to repair of linear accelerators.

Pursuant to a telephone conversation between Robert Beauvais, your Administrator, and Pamela J. Henderson of this office on January 19, 2006, it is our understanding that you have taken or will take the following actions:

1. You will immediately stop all operations involving the removal of DU shielding components from linear accelerators; and
2. You will not machine, drill or in any way change the size or shape of the DU shielding components.

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, you are required to:

- 1) Notify me immediately if your understanding differs from that set forth above;
- 2) Notify me if for any reason you cannot complete the actions within the specified schedule and advise me in writing of your modified schedule in advance of the change; and
- 3) Notify me in writing when you have completed the actions addressed in this Confirmatory Action Letter.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requiring other actions on the part of the licensee, nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. In addition, failure to take the actions addressed in this Confirmatory Action Letter may result in enforcement action.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, industrial, and academic uses of nuclear material**; then **toolkit index page**. The current NRC Enforcement Policy is included on the NRC's website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Sincerely,

Original signed by George Pangburn

George Pangburn, Director
Division of Nuclear Materials Safety

cc:
Commonwealth of Pennsylvania

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