

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**

July 13, 2007
EN-07-045

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: University of Pittsburgh (EA-06-266, EA-06-278)
Pittsburgh, PA 15260
Docket No. 030-29418

Subject: CONFIRMATORY ORDER (EFFECTIVE IMMEDIATELY)

This is to inform the Commission that a Confirmatory Order confirming commitments reached as part of an alternative dispute resolution (ADR) mediation settlement agreement will be issued today, July 13, 2007, to the University of Pittsburgh (UPitt) regarding their gamma stereotactic radiosurgery (GSR) program. At issue were UPitt's: failure to meet the physical presence requirements of 10 CFR 35.615(f)(3) with three separate examples; failure to ensure that radiation safety activities were performed in accordance with regulatory requirements described in 10 CFR 35.24(b); and, failure to have written directives signed by an Authorized User prior to administration of GSR treatments. The NRC and the licensee have agreed to disagree regarding any willful aspects of the 10 CFR 35.24(b) violation. In addition, as part of the agreement reached, a Notice of Violation by way of a single violation of the regulatory requirements in 10 CFR 35.24(b) at Severity Level III, with no civil penalty, will be issued. Also, the licensee has taken or will take various corrective actions agreed to in the ADR session.

The schedule of notification and issuance:

Telephone Notification of Licensee	July 13, 2007
Mailing of Notice	July 13, 2007

The Commonwealth of Pennsylvania will be notified.

CONTACTS: S. Merchant, OE, 301-415-2747 D. Solorio, OE, 301-415-3360

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**

Electronic Distribution: EN-07-045, July 13, 2007

<u>OWFN</u>	<u>OWFN</u>	<u>TWFN</u>	<u>Regional Offices</u>
Chairman Klein	EDO	OCFO	RI RII
Comm. McGaffigan	DEDR	OP CENTER	RIII RIV
Comm. Jaczko	DEDMRT	NMSS	
Comm. Lyons	OE	OIG	
SECY	OGC	OIS	<u>MAIL</u>
OCA	NRR	RES	ADAMS
OPA	NSIR	ACRS	OE staff
OIP	OI	FSME	

DISTRIBUTION: (Hard copy)

C. Carpenter
S. Magruder
S. Merchant
D. Solorio
OE r/f
EA-06-266 File
EA-06-278 File
EN binder

C:\FileNet\ML071940052.wpd

ADAMS Accession Number: ML071940052

OFFICE	OE:ES		OE:BC	
NAME	SMerchant LSreenivas for		DSolorio	
DATE	07/13/07		07/13/07	

OFFICIAL RECORD COPY

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**