

September 19, 2008

Docket No. 03029418
EA-06-266, EA-06-278

License No. 37-00245-09

Randy P. Juhl, Ph.D.
Vice Chancellor for Research
Conduct and Compliance
University of Pittsburgh
4200 5th Avenue
132 Cathedral of Learning
Pittsburgh, PA 15260

SUBJECT: COMPLETION OF ACTIONS BY THE UNIVERSITY OF PITTSBURGH AS SET FORTH IN LETTERS DATED APRIL 18, 2008, AND JULY 25, 2008, IN RESPONSE TO NRC CONFIRMATORY ORDER DATED JULY 23, 2007

Dear Dr. Juhl:

The purpose of this letter is to acknowledge receipt of your letters dated April 18, 2008, and July 25, 2008, which describe the actions you have completed in response to the Confirmatory Order issued to you by the U.S. Nuclear Regulatory Commission (NRC) on July 23, 2007. We have completed our review of these letters. In addition, NRC Region I conducted an inspection (NRC Inspection No. 03029418/2007003) of your program on October 29, 2007, and November 7, 2007, as a follow-up to our Confirmatory Order, to verify implementation of your immediate corrective actions, assess the status of your long-term corrective actions, and to determine if the corrective actions implemented met the criteria described in the Confirmatory Order.

In addition to taking immediate corrective actions to address identified issues, the University of Pittsburgh (UPitt) agreed, in accordance with the Confirmatory Order, to take additional actions to ensure that similar violations do not occur, and to clarify and communicate issues regarding gamma stereotactic radiosurgery (GSR) physical presence requirements, including: (1) enhancing the 40 hour GSR training course provided to users at other facilities throughout the United States by expanding the lecture on NRC regulatory requirements to include the physical presence requirements and a description of this experience; (2) providing the NRC a copy of the training syllabus before conducting the training; (3) submitting a lessons-learned article to the publication Operational Radiation Safety and the Elekta Newsletter *eWavelength*, describing these occurrences; (4) providing a copy of the article to the NRC at least 30 days prior to the submission of the article; and, (5) providing a letter to the NRC stating that the actions in Sections V.1-4 of the Confirmatory Order are complete within 30 days of completion of all of these actions.

Based on the results of the inspection conducted on October 29, 2007, and November 7, 2007, and review of your letters dated April 18, 2008, and July 25, 2008, the NRC has determined that comprehensive short term corrective actions were taken and effectively implemented, and that long term corrective and preventative actions were taken and completed as required by the Confirmatory Order.

Based on the above, we have concluded that you are satisfactorily implementing the terms of the Confirmatory Order and have no further questions at this time.

A copy of this letter, a copy of your July 25, 2008, letter (ML082470231), and a redacted copy of your April 18, 2008, (ML082470238) letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions or comments, please contact Ms. Pamela Henderson, Chief, Medical Branch, Division of Nuclear Materials Safety, Region I, at 610-337-6952.

Sincerely,

/RA/ Original Signed by Marc L. Dapas for

Samuel J. Collins
Regional Administrator

cc:
Michael A. Sheetz, Radiation Safety Officer
Commonwealth of Pennsylvania

Based on the above, we have concluded that you are satisfactorily implementing the terms of the Confirmatory Order and have no further questions at this time.

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If you have any questions or comments, please contact Ms. Pamela Henderson, Chief, Medical Branch, Division of Nuclear Materials Safety, Region I, at 610-337-6952.

Sincerely,

/RA/ Original Signed by Marc L. Dapas for

Samuel J. Collins
Regional Administrator

cc:

Michael A. Sheetz, Radiation Safety Officer
Commonwealth of Pennsylvania

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