



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

August 24, 2012

Docket No. 03001244

License No. 06-00819-03

Arthur P. Lemay
Executive Director, Oncology Services
Yale-New Haven Hospital
20 York Street
New Haven, CT 06504

SUBJECT: NRC INSPECTION REPORT NO. 03001244/2012001, YALE-NEW HAVEN HOSPITAL

Dear Mr. Lemay:

This letter refers to your July 30, 2012, correspondence, in response to our July 2, 2012, letter. In your letter you provided additional information regarding your radium-226 sources, including your rationale for considering the radium as sealed sources for the purposes of financial assurance. Specifically, you performed a safety evaluation for each source under your broad scope license and provided the evaluations describing the known chemical and physical characteristics of each source. You noted that since you "are not the manufacturer of these sources and devices and do not have extensive construction documentation for these items," the information provided is your best estimate.

The information you provided was reviewed by NRC staff, and it was determined that the sources could not be declared to be sealed sources in the terms of the definition in 10 CFR 30.4. Specifically, 10 CFR 30.4 defines a sealed source as any byproduct material that is encased in a capsule designed to prevent leakage or escape of the byproduct material. The information provided did not contain sufficient detail to determine: (i) the integrity of the encapsulations to prevent leakage; (ii) what conditions the encapsulations were designed to withstand; and (iii) the physical and chemical forms of the material to assess dispersibility or solubility for the sources in case the encapsulation failed. Therefore, the radium-226 sources do not appear to meet the sealed source designation described in 10 CFR 30.4. For the purposes of financial assurance, the radium-226 possessed under your license should be included in your financial assurance estimates on file with the NRC pursuant to 10 CFR 30.35. Within 10 days of your receipt of this letter, please provide a timeline for inclusion of this material into your financial assurance documents. In addition, please note that you may contact the Department of Energy's Off-Site Source Recovery Project Manager, Dr. John Zarling, at 505-665-3668, or by visiting <http://osrp.lanl.gov/>, to explore the disposal of these sources.

A. Lemay

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Please note that the office of the Region I Division of Nuclear Materials Safety has moved effective May 9, 2012. Our new address is:

U. S. Nuclear Regulatory Commission
Region I
2100 Renaissance Blvd, Suite 100
King of Prussia, PA 19406-2713

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Your cooperation with us is appreciated.

Sincerely,

Original signed by James P. Dwyer

James P. Dwyer, Chief
Medical Branch
Division of Nuclear Materials Safety

cc:
Michael J. Bohan, Radiation Safety Officer
State of Connecticut

A. Lemay

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Sincerely,

/RA/

James P. Dwyer, Chief
Medical Branch
Division of Nuclear Materials Safety

cc:
Michael J. Bohan, Radiation Safety Officer
State of Connecticut

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