



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, IL 60532-4352

**JAN 04 2019**

Michael C. Brewer, M.S.  
Radiation Safety Officer  
Franciscan Alliance, Inc. d/b/a  
Franciscan Health Hammond  
And Franciscan Health Dyer  
5454 Hohman Ave.  
Hammond, IN 46320

Dear Mr. Brewer:

Enclosed is Amendment No. 94 to your NRC Material License No. 13-02047-02 in accordance with your request.

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate corrections and answers.

If you have any questions or concerns about our disposition of these matters, please contact me directly at (630) 829-9841. My fax number is (630) 515-1058. My email address is [colleen.casey@nrc.gov](mailto:colleen.casey@nrc.gov).

In completing this amendment we:

1. Deleted the authorization for iridium-192 in 10 CFR 35.600 in Subitem Nos. 6. through 9.H;
2. Adjusted the authorization in Condition No. 10.B. to reflect the deletion of this authorization;
3. Adjusted the authorization in Condition No. 12.A. to remove reference to authorized medical physicists;
4. Deleted Condition No. 12.C. because authorized medical physicists are no longer needed for this license;
5. Adjusted Dr. Prock's authorization to reflect the deletion of the iridium-192 authorization in 10 CFR 35.600;
6. Deleted authorization for Luke L. Miller, M.D. as his only authorization on the license was for iridium-192 in 10 CFR 35.600, which was deleted;
7. Added a new Condition No. 13.G.; and,
8. Corrected Dr. Malnar's first name to "Garry."

In correspondence dated October 2, 2018, you indicated that you wished to release your former Radiation Oncology Department at your 24 Joliet Street, Dyer, Indiana location for unrestricted use. The Radiation Oncology Department only was requested to be released for unrestricted use. The NRC staff has reviewed your final status surveys.

Based on its review, the staff has concluded that all licensable radioactive material has been removed from your former Radiation Oncology Department at your 24 Joliet Street, Dyer, Indiana location and residual

radioactive material attributable to licensed activities does not exceed current NRC criteria. Based on these conclusions no further remediation or actions with respect to NRC regulated material is required for this area of use and it is suitable for unrestricted use.

In the course of our review, we also noted 2 unusual items:

The close out survey report for your former high dose rate remote (HDR) afterloading brachytherapy device area states that the survey instrument used for the survey "was calibrated on December 19, 2018," but the date of the letter transmitting the report is dated October 2, 2018. This appears to be a typo, perhaps, or it may be that your consultant who prepared the report meant to state when the survey instrument was "due" to be calibrated. If the latter situation occurred, please note that we never ask for "when" a survey instrument is "due" to be calibrated; we are only interested in "the date when it already has been calibrated" and then used for a close out survey. Please convey this information to your consultant for future use.

In addition, in reviewing the checklists and paperwork from your HDR vendor, Elekta, Inc., which is dated September 7, 2018, and mostly appears to address the removal of your final sealed source and the HDR device, it also appeared that the same documents recorded the installation of a new HDR source, in items 4.2.2 – 4.2.10 and 4.4.1 – 4.4.7.

As our inspector already verified that your HDR device and source were disposed of during his onsite inspection on November 27, 2018, and as the remaining documents you submitted supported the assertion that the HDR source and device had been removed, we completed processing of this amendment.

However, please convey this concern to your HDR vendor, Elekta, Inc. and if they wish to discuss this with me, please have them contact me as shown above. We would like to know if we are misunderstanding their paperwork or if there were errors made on your paperwork only.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you.

This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in the General Statement of Policy and Procedure for NRC Enforcement Actions.

Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

The NRC's Safety Culture Policy Statement became effective in June 2011.

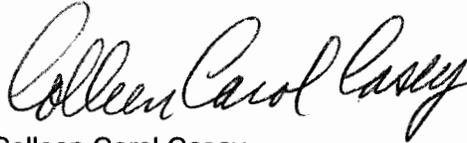
While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture.

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.

Sincerely,

A handwritten signature in cursive script that reads "Colleen Carol Casey".

Colleen Carol Casey  
Materials Licensing Branch

License No. 13-02047-02  
Docket No. 030-01602

Enclosure:

Amendment No. 94