



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

July 21, 2023

Howard W. Salmon, Ph.D., AUS, DABR
Chief Medical Physicist & RSO
Franciscan Health: Indianapolis, Mooresville, and Carmel
8111 S. Emerson Ave.
Indianapolis, IN 46237

SUBJECT: RENEWAL OF RADIOACTIVE MATERIALS LICENSE FOR FRANCISCAN
HEALTH: INDIANAPOLIS, MOORESVILLE AND CARMEL, U.S. NRC
MATERIALS LICENSE NO. 13-02128-03

Dear Dr. Salmon:

Enclosed is Amendment No. 77 renewing your U.S. Nuclear Regulatory Commission (NRC) Materials License No. 13-02128-03, in accordance with the application dated July 19, 2022, signed by James Callaghan, M.D., President and CEO, and letter dated December 20, 2022, signed by Terri S. Ruff, MBA, MHA, Chief Operating Officer, and your letter dated May 8, 2023.

Upon review of your letter dated May 8, 2023, it is not apparent that you committed to monitoring workers who may enter a high radiation area in the event that the iridium-192 source associated with your HDR Remote Afterloader fails to return to the safe. To ensure compliance with [Title 10 of the Code of Federal Regulations \(10 CFR\) §20.1502](#), you should include personnel responsible (e.g. Radiation Therapists, Medical Physicists and Authorized Users) for responding to such an emergency in your occupational dose monitoring program.

This license amendment also reflects the removal of Umesh Khot, M.D., because the physician's Indiana Medical Board license has expired. Further, I have modified the license authorizations for Peter G. Garrett, M.D., to remove authorization for use of materials described in 10 CFR §35.1000 (limited to iodine-125 for Radioactive Seed Localization).

Additional updates have been made to the license to the references to the sealed source and devices manufacturer/distributor's names, including for example the reference to the Elekta, Inc. (formerly Nucletron Corporation) Model microSelectron 106.990 HDR remote afterloader.

Condition 13 is also added, which refers to your institution's yttrium-90 Radiation Protection Program change procedure.

An environmental assessment for this action was not required, since this action is categorically excluded under [10 CFR §51.22\(c\)\(14\)](#).

Please be advised that your license expires at the end of the day in the month and year stated in the license. Until your license has been terminated, you must conduct your program in accordance with the conditions of your license, representations made in your license application, and U.S. NRC regulations. In particular, note that you must:

The enclosed document contains sensitive security-related information.
When separated from this cover letter this letter is uncontrolled.

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1. Operate in accordance with U.S. NRC regulations [10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspections and Investigations,"](#) [10 CFR Part 20, "Standards for Protection Against Radiation,"](#) [10 CFR Part 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material,"](#) [10 CFR Part 35, "Medical Use of Byproduct Material,"](#) and other appropriate regulations.
2. Notify the U.S. NRC in writing 30 days in advanced of any change in mailing address.
3. In accordance with [10 CFR §30.36\(d\)](#), notify the U.S. NRC promptly, in writing, within 60 days and request termination of the license:
 - a. When you decide to terminate all activities involving materials authorized under the license whether at the entire site or any separate building or outdoor area;
 - b. If you decide not to acquire or possess and use authorized material; or
 - c. When no principal activities under the license have been conducted for a period of 24 months.
4. In accordance with [10 CFR §35.14](#), notify the U.S. NRC no later than 30 days after:
 - a. The date that the licensee permits an individual to work as an authorized user, an authorized nuclear pharmacist, or an authorized medical physicist under [10 CFR §35.13\(b\)\(1\) through 35.13\(b\)\(4\)](#);
 - b. An authorized user, an authorized nuclear pharmacist, a Radiation Safety Officer, or an authorized medical physicist permanently discontinues duties under the license or has a name change;
 - c. The licensee's name changes but the name change does not constitute a transfer of control of the license as described in [10 CFR §30.34\(b\)](#); or
 - d. The licensee has added to or changed the areas of use identified in the application or on the license where byproduct material is used in accordance with either [10 CFR §35.100](#) or [§35.200](#).
5. Request and obtain a license amendment before you:
 - a. Change Radiation Safety Officers;
 - b. Order byproduct material in excess of the amount, or radionuclide, or form different than authorized on the license;
 - c. Add or change the areas of use or address or addresses of use identified in the license application or on the license (except for areas of use where byproduct material is used only in accordance with either [10 CFR §35.100](#) or [§35.200](#)) or

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- d. Change the name or ownership of your organization.
6. Submit a complete renewal application or termination request at least 30 days before the expiration date of your license. You will receive a reminder notice approximately 60 days before the expiration date. Possession of byproduct material after your license expires is a violation of U.S. NRC regulations.

You will be periodically inspected by the U.S. NRC. Failure to conduct your program in accordance with U.S. 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 NRC Enforcement Policy. The NRC Enforcement Policy is available at: <http://www.nrc.gov/reading-rm/doc-collections/enforcement/>.

An electronic version of the U.S. NRC's regulations is available on the NRC Web Site at: www.nrc.gov. Additional information regarding medical uses of radioactive materials may be obtained on the NRC Web Site at: <http://www.nrc.gov/materials/miau/med-use-toolkit.html>. This site also provides the updated Training and Experience NRC Form 313A series of forms and guidance, as well as information on the revised regulations for naturally-occurring and accelerator-produced radioactive materials (NARM).

The U.S. 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/safety-culture.html>. I 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 U.S. NRC-regulated activities.

Please be aware that, as a holder of a U.S. NRC license, you may be subject to the U.S. NRC's licensing and inspection fees in accordance with [10 CFR Part 170](#), and annual fees in accordance with [10 CFR Part 171](#). If you have any questions concerning the fee requirements, please contact the License Fee and Accounts Receivable Branch at (301) 415-7544.

U.S. NRC's Regulatory Issue Summary (RIS) 2005-31 provides criteria to identify security-related sensitive information and guidance for handling and marking of such documents. This ensures that potentially sensitive information is not made publicly available through ADAMS, the U.S. NRC's electronic document system. Pursuant to U.S. NRC's RIS 2005-31, and in accordance with 10 CFR §2.390, this letter and the enclosed license document are exempt from public disclosure because their disclosure to unauthorized individuals could present a security vulnerability. The RIS may be located on the NRC Web Site at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/ri200531.pdf> and the link for frequently asked questions regarding protection of security-related sensitive information may be located at: <http://www.nrc.gov/reading-rm/sensitive-info/faq.html>.

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A copy of this letter will be available electronically for public inspection in the U.S. NRC Public Document Room or from the U.S. NRC's ADAMS, accessible from the U.S. NRC Web site at <https://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

Jason M. Kelly, MPH
Health Physicist
Materials Licensing Branch

License No.: 13-02128-03

Docket No.: 030-09398

Enclosure: Amendment No. 77 to U.S. NRC Materials License No. 13-02128-03