

From: [Sara Forster](#)
To: kerri@lmrpromotions.com
Subject: FW: Follow-up Regarding Amendment Request to Place License in Possession Only Status, Noble Health Audrain, NRC License No. 24-15122-01, CN 633627
Date: Friday, July 14, 2023 11:28:00 AM
Attachments: [Noble Health Audrain NUREG1556Vol20r1 November2020 ML20318A384 AppAChecklist8 Possession only.pdf](#)

Good morning, Kerri:

Thank you for taking the time to speak with me this morning, regarding the above-referenced licensee. If you could please respond to the bulleted items below, in the form of a signed-and-dated letter, that is appreciated. If you are unable to respond within the next 10 days (on or before July 24, 2023), please let me know the date by which you will be able to respond.

Sincerely,

Sara A. Forster, Health Physicist
U.S. Nuclear Regulatory Commission - Region III
Division of Radiological Safety & Security
Materials Licensing Branch
2443 Warrenville Rd. - Ste. 210
Lisle, IL 60532-4352
sara.forster@nrc.gov
Direct: (630) 829-9892
Facsimile: (630) 515-1078



From: Sara Forster
Sent: Tuesday, May 16, 2023 12:23 PM
To: mohospitalrestoration@gmail.com
Subject: FW: Follow-up Regarding Amendment Request to Place License in Possession Only Status, Noble Health Audrain, NRC License No. 24-15122-01, CN 633627

Good afternoon, Kalman:

Thank you for meeting with my colleague Jason Draper and me on February 22, 2023. As we discussed during the meeting, via letter dated November 17, 2022, your colleague Amy O'Brien submitted an amendment request to the U.S. Nuclear Regulatory Commission (NRC) requesting that Noble Health Audrain, Inc. d/b/a Noble Health Audrain Community Hospital's (your) license be placed in a possession only status.

This request was required under Title 10 of the *Code of Federal Regulations* (10 CFR) Sections 35.14(b)(1). This is because it is the understanding of the NRC that both the Radiation Safety Officer (RSO) listed on the license (Andre Strzembosz, MD), and the other eight listed Authorized Users (AUs) Karen J. Baranski, MD, Robert M. Fischer, MD, Megan Maine Gau, MD, Robert Gresick, MD, Rebecca J. Mueller, MD, Ronald Palmer, MD,

Thomas M. Schroyer, MD, and John Joseph Stephens, MD, permanently discontinued performance of duties under your license, during the 2022 calendar year. The NRC has received no notice, to date, of a replacement RSO or active AUs.

In our February 22, 2023 conversation, Jason Draper and I understood that you agreed that Amy O'Brien's November 17, 2022 letter was no longer current, and that you would be providing an update to information provided in that letter.

In particular, **please provide the following information**, as outlined in the attached document, "Checklist for Evaluating Requests for Possession-Only Permanent and Standby Licenses," taken from Appendix A, "Checklists," to NRC's NUREG 1556, Volume 20, revision 1, "Guidance About Administrative Licensing Procedures." That volume may be found in the NRC's Agencywide Document and Management System (ADAMS) at the weblink: <https://www.nrc.gov/docs/ML2031/ML20318A384.pdf>.

- **Confirm the November 17, 2022 request to place the license in a standby, possession only status**, and indicate the date by which you expect to either submit a request to terminate the license or return the license to an active medical use license.
- **Either confirm the licensed materials inventory** provided in the November 17, 2022 letter, **or provide an update**. For each licensed source to be placed in storage, please assure that the manufacturer, model number, serial number, isotope, activity, assay date, and most recent last leak test date have been identified.
- **Confirm that the licensed material will not be used for any purpose**, pending disposal or authorization to restart (as applicable).
- **Confirm that the facilities where licensed material will be stored are as previously described to the NRC**. In the alternative, provide a diagram and physical description of the areas where material will be stored, while the license is in standby status.
- As discussed during our February 22, 2023 phone call, please confirm that you will be the individual responsible for maintaining control of the licensed material while it is in storage.
- Please describe the training and experience for yourself or other individual who will be responsible for maintaining control of the licensed material while it is in storage. If material is limited to sealed sources described in the November 17, 2022 letter, the responsible individual should understand the regulatory requirements associated with the material being stored, and have a working knowledge of basic radiation safety practices associated with storing the sealed sources.
- Please list the RSO and any other AUs that should be removed from the license.
- Please describe how material in storage will be secured, and confirm that the material in storage will be inventoried at least annually. Your response should provide reasonable assurance that you will maintain security of the licensed materials in storage.
- Please describe any planned changes to the radiation safety program, while material is in storage. In the alternative, you may confirm that the changes described in the November 17, 2022 letter are comprehensive and current.
- Please confirm that any sealed sources in storage will be leak tested once every 10 years and within 6 months prior to using or transferring to an authorized recipient.
- Please confirm that you will be able to continue to store material for a minimum 1 year, at the locations described in your response.

- Please provide your contact information including your name, title, mailing address, office phone number, cell phone number, and email address. Please also provide contact information for one or more individuals who will routinely be onsite, or able to physically reach the licensed storage locations, in event of an emergency.

Please confirm receipt of this message via a quick email reply. Please provide the requested information within 14 days (on or prior to May 30, 2023), under a signed and dated cover letter. For quickest processing, please provide the information as a pdf file and attach to an email to the Materials Licensing Branch at R3-DRSSMail.Resource@nrc.gov. If you have any questions regarding this request, please do not hesitate to email or call me.

Sincerely,

Sara

Sara A. Forster, Health Physicist

U.S. Nuclear Regulatory Commission - Region III

Division of Radiological Safety & Security

Materials Licensing Branch

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From: Sara Forster

Sent: Friday, November 04, 2022 5:16 PM

Subject: Follow-up Regarding License Status for Noble Health Audrain, NRC License No. 24-15122-01

Good afternoon, Amy...

Thank you for taking the time to speak with me and my colleague, Jason Draper, on October 19, 2022. We appreciate your openness in describing the status of the referenced license and appreciate your efforts to provide our office with the information needed regarding the topics discussed.

As discussed, it is the NRC's understanding that one Transfer of Control of the referenced license occurred in April 2022; and a second Transfer of Control is anticipated for later this year. In addition, it is the NRC's understanding that – at the present time – activities authorized under the license were suspended for a short period over the summer of 2022 through the date of our conversation; that materials authorized under the license may still be stored at the locations of use listed on the license; and that the Radiation Safety Officer listed on the license may have changed. At the time of our conversation, it was our understanding that it is unclear whether activities authorized under the license would continue to be suspended, or if a final disposition and termination of the license may be

needed.

In accordance with our discussion, please provide the following information regarding your license:

- Information needed for NRC to consent to the Transfer of Control of the license that occurred in April 2022.
- Information needed for NRC to consent to the anticipated Transfer of Control that may occur as soon as November or December of 2022.
- If the Radiation Safety Officer (RSO) has changed, from the individual listed on the license, Training and Experience information for the new RSO to be listed on the license.
- If licensed activities are suspended, Information Needed to place the license in Standby status.
- If licensed activities have permanently ceased, Certification of Final Disposition, in support of the Termination of the license.

Information Needed for Transfer of Control Consent Requests, Possession Only Status Amendment Request, RSO Changes, or Termination information may be provided as noted on the forms provided at:

- [NUREG 1556, Volume 15, revision 1, "Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses."](#) Appendix E, "Information Needed For Transfer of Control Application," pp. E-1 to E-2 (annotated copy attached for your convenience)
- [NRC FORM 313A \(RSO\), "Radiation Safety Officer of Associate Radiation Safety Officer Training, Experience and Preceptor Attestation."](#) in accordance with [Title 10 of the Code of Federal Regulations Section 35.50, "Training for Radiation Safety Officer and Associate Radiation Safety Officer."](#) and [10 CFR 35.57, "Training for experienced Radiation Safety Officer, teletherapy or medical physicist, authorized medical physicist, authorized user, nuclear pharmacist, and authorized nuclear pharmacist."](#)
- [NUREG 1556, Volume 20, revision 1, "Guidance About Administrative Licensing Procedures."](#) Appendix A, Checklist A.8, "Checklist for Evaluating Requests for Possession-Only Permanent and Standby Licenses," pp. A-14 to A-15 (annotated copy attached for your convenience)
- [NRC FORM 314 "Certificate of Disposition of Materials,"](#) in accordance with [10 CFR 30.36, "Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas."](#)

Please provide the requested information within 14 days (on or prior to November 18, 2022), under a signed and dated cover letter. For quickest processing, please provide the information as a pdf file and attach to an email to the Materials Licensing Branch at R3-DRSSMail.Resource@nrc.gov. If you have any questions regarding this request, please do not hesitate to email or call myself or Jason. My contact information is below. You may reach Jason at jason.draper@nrc.gov or at 630-829-9839.

Sincerely,

CHECKLIST A.8

A.8 Checklist for Evaluating Requests for Possession-Only Permanent and Standby Licenses

Licensee Name: Noble Health Audrain, Inc. d/b/a Noble Health Audrain Community Hospital		
License No.: 24-15122-01	Docket No.: 030-08599	Control No.: Not Assigned

Note: Applicants must comply with all relevant requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Parts 30, 40, and 70. The following is a list of general requirements only. License reviewers must ensure that additional requirements associated with site-specific conditions are also addressed. When each statement is verified, check the box.

- 1. All licensed material to be placed in storage is identified. For each sealed source or device containing a sealed source, the licensee has identified (if possible) the source and device by manufacturer, model number, serial number, isotope, activity, date of assay, and date of last leak test.
 Please describe licensed materials to be placed in storage as noted.
- N/A 2. If the licensee has permanently ceased operations, the application includes a detailed description of all efforts made to dispose of the licensed material, including telephone calls, letters, facsimiles, e-mails, personal contacts, etc. The disposal options that must be addressed are contained in Section 8.11 of the relevant NUREG-1556 volumes.
- 3. The application includes a clear commitment not to use the licensed material for any purpose, pending disposal or authorization to restart (as applicable).
 Please provide commitment as noted.
- 4. The application includes a physical description of the facilities where the material will be stored if it is different from storage facilities already approved in the license. Any planned facility changes have been identified, and provisions to maintain exposures as low as reasonably achievable are adequate.
 Please describe facilities as noted.
- N/A 5. If applicable, the application adequately addresses financial assurance for decommissioning in accordance with 10 CFR 30.35, 40.36, or 70.25, as appropriate. Uncertainties with regard to future disposal and decommissioning costs may exist with requests for possession-only licenses where no other options are available. However, these uncertainties do not exempt the licensee from providing decommissioning funding assurance, using the best information available at the time of application. The license reviewer should determine if the proposed financial assurance is appropriate for the licensee's specific situation.
- 6. The application identifies the individual who will be responsible for maintaining control of the licensed material while it is in storage. The individual's training and experience, as described in the individual's resume, are adequate. The necessary qualifications will vary depending on the material being stored. In general, the responsible individual should have a working knowledge of basic radiation safety practices and the regulatory requirements associated with the material being stored.

 Please indicate a designated individual responsible for the materials in storage.
 Please provide qualifications for the responsible individual, relevant to materials in storage.

A.8 Checklist for Evaluating Requests for Possession-Only Permanent and Standby Licenses

- [] 7. The application includes an acceptable accountability program for assuring that the licensed material, especially risk-significant radioactive material (RSRM), remains in secure storage and is not used (inventoried at least annually). The program provides reasonable assurance that the licensee will maintain security. Please describe how materials will be inventoried and secured.
- [] 8. The application includes all planned changes to limit/decrease the licensee's radiation safety program, as a result of placing the licensed material in storage. These changes may include, but are not limited to, the following:
- a. Dosimetry services
 - b. Worker training programs
 - c. Instrument calibration services
 - d. Inventories
 - e. Internal audits
 - f. Maintenance and visual inspection of equipment and facilities
 - g. Maintenance of records
- [] 9. Please describe any planned changes to the radiation safety program, while material is in storage. If applicable, the application includes a commitment to leak test sealed sources and devices containing sealed sources at least once every 10 years and within 6 months before use or transfer to an authorized recipient. Please confirm the statement regarding leak testing.
- []N/A 10. The application has been coordinated with inspection and decommissioning staff concerning changes to inspection activities.
- [] 11. If the licensee's ability to safely store the material for an extended period is suspect, designate the license for increased NRC contact by telephone to supplement routine inspections. Contact every 12 months is recommended. Please confirm the licensee's ability to store material for an extended period, if needed.
- [] 12. For possession-only licenses, include a condition that states, "The licensee will continue to take all actions within its ability to dispose of its material and notify NRC within 30 days if disposal is achieved." Please indicate the date by which the licensee expects to restore operations. If plans to resume activity are not provided, please confirm that the licensee will take action to dispose of material as noted.

From: [Sara Forster](#)
To: mohospitalrestoration@gmail.com
Subject: RE: NRC License Possession Only Status Site Visit Availability, Noble Health Audrain Community Hospital, NRC License No. 24-15122-01, CN 633627
Date: Monday, July 03, 2023 9:19:00 AM

Good morning, Kalman:

We are tentatively planning to be in your area on the morning of Friday, August 2, 2023. Please let me know your availability, or the availability of your representative, to participate in a licensing site visit on that date.

Sincerely,

Sara
U.S. NRC

From: Sara Forster
Sent: Friday, June 30, 2023 10:10 AM
To: mohospitalrestoration@gmail.com
Subject: NRC License Possession Only Status Site Visit Availability, Noble Health Audrain Community Hospital, NRC License No. 24-15122-01, CN 633627

Good morning, Kalman:

The review of your November 17, 2022 amendment request to place the license in possession only status, has been suspended, pending receipt of additional information from you. Please note that the license must be placed in a standby status, pending resumption of licensed activities and appointment of a qualified Radiation Safety Officer. Inventory and leak tests remain in place. Failure to follow NRC requirements could place you in violation of NRC requirements.

In conjunction with the review, due to the changes in responsible personnel, and use of radioactive material, our office would like to conduct a licensing site visit on one of the following dates, pending our ability to coordinate such a visit with you or your representative:

July 20, 2023;
July 21, 2023;
July 31, 2023;
August 1, 2023; or
August 2, 2023

Could you please let me know your availability to support a licensing site visit on these dates. We expect that a licensing site visit for your program may last between 1 and 3 hours.

Thank you in advance for your response,

Sara

From: [Sara Forster](#)
To: [Amy O'Brien](#)
Subject: RE: RE: Follow-up Regarding License Status for Noble Health Audrain, NRC License No. 24-15122-01
Date: Wednesday, November 16, 2022 12:09:00 PM

Hi, Amy:

Thank you for the update. You may submit the request for possession only status. Although some radiation safety training is preferable, our office would accept a high level official such as yourself being listed as the responsible person.

If you could include whatever training & experience that either you or your designated individual do have, as well as your availability to respond to any emergency or incident, in your cover letter, that will be helpful.

Sincerely,

Sara

Sara A. Forster, Technical Assistant
U.S. Nuclear Regulatory Commission - Region III
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From: Amy O'Brien <amy.obrien@noblehc.org>
Sent: Wednesday, November 16, 2022 11:28 AM
To: Sara Forster <Sara.Forster@nrc.gov>
Subject: [External_Sender] RE: Follow-up Regarding License Status for Noble Health Audrain, NRC License No. 24-15122-01

Sara,

I just talked to Jason, and I will be sending a letter with the form indicating that we want to transition the license to "Possession Only" Standby status. My question is on the RSO. If we are not going to be medically using the nuclear materials, does the RSO need all of the certifications listed on the sheet? I currently don't have employees to name there, but I do have an ER physician that might allow me to have him be the RSO. He is currently supervising our walk in clinic. OR, if it is for possession only and I can be the person listed as the responsible party, I can do that. I have a

Master's degree, but I don't have radiation training.

Thank you for your assistance!

From: Sara Forster <Sara.Forster@nrc.gov>

Sent: Friday, November 4, 2022 5:16 PM

To: Amy O'Brien <amy.obrien@noblehc.org>

Cc: Jason Draper <Jason.Draper@nrc.gov>

Subject: Follow-up Regarding License Status for Noble Health Audrain, NRC License No. 24-15122-01