



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
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July 3, 2024

MEMORANDUM TO: Paul Krohn, Director
Division of Radiological Safety & Security (DRSS)

THRU: Anne DeFrancisco, Chief Anne E. DeFrancisco
Medical and Licensing Assistance Branch, DRSS
Digitally signed by Anne E. DeFrancisco
Date: 2024.07.03 11:41:44 -04'00'

FROM: Jason vonEhr, Senior Health Physicist JASON VONEHR
Medical and Licensing Assistance Branch, DRSS
Digitally signed by JASON VONEHR
Date: 2024.07.03 10:39:33 -04'00'

SUBJECT: BASIS FOR DELAY OF ENFORCEMENT FOLLOW-UP
INSPECTION FOR UNITED HOSPITAL CENTER

The purpose of this memorandum is to document the basis for a delay in the enforcement follow-up inspection United Hospital Center (UHC) (NRC License No. 47-01458-01). The enforcement follow-up inspection is required by Inspection Manual Chapter (IMC) 2800, "Materials Inspection Program," specifically under Section 07.03, and states that a follow-up inspection should be "*conducted within 12 months of the issuance of the escalated enforcement action.*" UHC was issued escalated enforcement (EA-23-062) on November 21, 2023 (ADAMS Accession No. ML23341A115). Per Section 07.03 of IMC 2800, a follow-up inspection should be performed no-later-than November 2024.

The NRC has maintained communications with UHC since the issuance of the November 21, 2023, enforcement action. On June 13, 2024, the license Radiation Safety Officer, Kelly Stoneberg, health physics consultant, communicated via email with Jason vonEhr, Senior Health Physicist, that UHC held its quarterly Radiation Safety Committee meeting and discussed that a realistic restart window for the High Dose Rate Afterloader program (HDR) would be fall/winter 2025.

In addition, it is noted here that the NRC license for UHC has maintained a 'freeze' on the HDR program following the departure of Michael A. Stewart, M.D., the sole HDR authorized user (communicated in a letter from UHC dated April 6, 2023, part of ADAMS Accession No. ML23118A028). This was implemented by restricting the use of the HDR to training, calibration, and storage only, and therefore prohibits use with patients, until an adequately qualified authorized user is identified by UHC and approved by the NRC. This restricted authorization on the HDR has been maintained through Amendment No. 65 and is uninvolved with the pending Amendment No. 66 (responsive to the licensee's letter dated June 14, 2024).

Given that the escalated enforcement dealt with the licensee's emergency response to an HDR event (EN56477), the NRC staff judged that an enforcement follow-up inspection prior to the restart of the HDR program would not be in the best interest of the NRC, the licensee, and other stakeholders. IMC 2800 Section 06.04 "Other Changes in Inspection Interval" states that: "*At the discretion of regional management, other changes [than described in Sections 06.02 and 06.03] in inspection interval may be made to achieve efficiencies in the use of inspection resources or to reduce regulatory impact on the licensee.*" Therefore, in consideration of the licensee's communicated delays in restarting their HDR program, the restriction on the NRC license for the

use of the HDR, and in consideration of NRC management discretion described in Section 06.04, the staff recommends a delay of 12-months in the performance of the enforcement follow-up inspection in order to provide a value-added, risk-informed inspection of the licensee's HDR program. The due date for the enforcement follow-up inspection should be set to November 2025, pending more proximate information regarding the licensee's restart plans.

It is finally noted here that, absent the HDR program, the licensee would be considered a Priority 3, rather than a Priority 2, licensee, for inspection purposes. The staff will consider at a later date the appropriateness of delaying the routine inspection, which is presently due in May 2025, plus or minus one year consistent with IMC 2800 Section 06.01.

License No. 47-01458-01

Docket No. 030-01251

CONTACT: Jason vonEhr, DRSS RI
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SUBJECT: BASIS FOR DELAY OF ENFORCEMENT FOLLOW-UP INSPECTION FOR UNITED HOSPITAL CENTER, DATED JULY 3, 2024

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