



Radiation Safety Office
Radiation Oncology
5301 E. Huron River Dr.
Ann Arbor, MI 48106-0995
734 712-8746
734 712-5344 [fax]

July 19, 2006

Colleen Casey
U.S. Nuclear Regulatory Commission
Region III
Attn: Materials Licensing
2443 Warrenville Rd., Suite 210
Lisle, IL 60532-4352

RE: NRC License #21-00943-03 Control No. 315385

Ms. Casey,

Your fax of July 13, 2006 incorrectly states that we are requesting an amendment. We were identifying inconsistencies in our license Amendment #85 and an unwarranted request for license amendment. The following is our responses to the three items in your fax.

1. We agree with your statement that authorizing the non-medical uses for an AMP in Condition 12.C is redundant with an AMP being listed in Condition 12.D. Our previous statement was simply attempting to be consistent with the license condition for the AMP already listed on the license as stated by the NRC. Accordingly, such a listing is redundant for both AMPs. We will assume that this will be corrected on the license for Mr. Matt McMullen and the matter concluded.
2. The authorization that an AMP can perform decay corrections for a brachytherapy source is already captured in his/her being an AMP listed on an NRC license. Your repeated request to require a license amendment to do such corrections for Sr-90 is redundant with 10 CFR 35.433. We completely disagree for the same reasons presented in our April 17, 2005 letter. It is very onerous and objectionable that the NRC is attempting to mandate license conditions with absolutely no health and safety benefit based on "...policies not necessarily expressed in publicly available form and are subject to change without notice." This implies that the NRC can unilaterally establish superfluous conditions without validation. If this is the justification for requiring such amendment, it must be resisted both on principle and precedent that it attempts to set for licensees. Your response provides nothing that states that our judgment is wrong. This judgment is an AMP already listed on an NRC license has authorization explicitly granted in 10 CFR 35.433 to perform decay corrections for Sr-90 eye applicators. Accordingly, both AMPs listed on our license are authorized for this activity, and a license condition is not required.
3. There is only one Cs-137 source in our possession under Condition 8.F, which is for a calibrator.

Ralph P. Lieto, MSE
Radiation Safety Officer

cc: K. Kasperek



St. Joseph Mercy Hospital
Radiation Safety Office
5301 E. Huron River Dr.
Ann Arbor, MI 48103-0995
Phone: 734 712-8748
Fax: 734 712-5344

Fax

To: Colleen Casey

From: Ralph P. Lieto, MSE,
Radiation Safety Officer

Fax: 630 829-9782

Date: July 19, 2006

Phone:

Pages (inc. cover page): TWO

Re: NRC License #21-00943-03, Control No. 315385

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Process

•Comments:

Attached is our response to your fax of July 13, 2006. Please be aware the RSO did not receive your fax until July 17 because it was received with a number of other faxes that were distributed elsewhere in our department.

In the future, if you intend to communicate only via a fax document and with a very short response time, it would be appreciated if you would notify us by telephone that a document is being sent.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 Warrenville Road, Suite 210
Lisle, Illinois 60532-4352

TELEFAX TRANSMITTAL

DATE: 7/13/06 NUMBER OF PAGES: 3
(including this page)

SEND TO: RALPH LIETO

LOCATION: SAINT JOSEPH MERCY HEALTH SYSTEM

FAX NUMBER: 734-712-5344 ☐ **VERIFY BY CALLING SENDER**

FROM: Colleen Carol Casey
(SENDER)

TELEPHONE NUMBER: 630-829-9841 FAX NUMBER: 630-829-9782

If you do not receive the complete fax transmittal, please contact the sender as soon as possible at the telephone number provided above.

MESSAGE

Please call me if you have questions,

Thank you.

Colleen Carol Casey

NOTICE

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by telephone and return the original to the above address, by U.S. Mail. Thank you.

COLLEEN CAROL CASEY
MATERIALS LICENSING BRANCH
UNITED STATES NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD STE 210
LISLE, ILLINOIS 60532-4352
OFFICE: (630)-829-9841 FAX: (630) 829-9782 or (630) 515-1259

CONVERSATION RECORD	TIME	DATE
ACTUALLY FAXED? YES.		July 13, 2006
NAME OF PERSON(S) CONTACTED	ORGANIZATION	TELEPHONE NO.
Ralph Lieto, RSO for Saint Joseph Mercy Health System		734-712-8746

SUBJECT
License No.: 21-00943-03 Control No.: 315385

SUMMARY

We have reviewed your letter dated April 17, 2006, requesting an amendment to your byproduct materials license and find that we need additional information as follows:

1. Regarding Scott Hunter's authorization for non-medical uses for the HDR unit, those uses are already captured in his authorization as written in Condition No. 12.D. of the license. It would be redundant to list the authorization for the same uses again in Condition No. 12.C. and therefore, that will not be done.
2. Regarding the naming of specific AMP's to perform the decay correction for the strontium-90 eye applicator source, it has been NRC's licensing policy to format medical licenses in a prescriptive manner with respect to the authorizations for each AMP. These policies are not necessarily expressed in a publicly available form and are subject to change without notice. **Therefore, if you wish to have your AMP's authorized to perform the decay correction for the strontium-90 eye applicator source, please confirm your intention in a brief written response directing us to explicitly authorize your AMP's, each by name and use (for the strontium-90 eye applicator decay correction) in this manner.**
3. In reviewing your license, especially Subitem 8.F., NRC is now limiting the possession of all materials that have the potential to be affected by the Increased Controls Order, as well as RIS 2005 - 31, mentioned below. **Please respond in writing by stating how many cesium-137 sealed sources you wish to possess, instead of the open-ended authorization that currently is listed on your license.**

Please refer to RIS 2005-31 at

<http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/ri200531.pdf>

TRANSMISSION VERIFICATION REPORT

TIME : 07/13/2006 14:41
NAME : USNRC
FAX : 6308239782
TEL : 6308239782

DATE, TIME
FAX NO./NAME
DURATION
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NRC FORM 386 (R111)
(4-2004)



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
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SEND TO: RALPH LIETO

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TELEPHONE NUMBER: 630-829-9841 FAX NUMBER: 630-829-9782

If you do not receive the complete fax transmittal, please contact the sender as soon as possible at the telephone number provided above.

MESSAGE

Please call me if you have questions,
C. Casey

A hard copy of this document should have been sent to you already. Please refer to Table 1, Attachment 2, page 19 of 19, especially and note the activity thresholds listed for cesium-137.

We must now review license applications and prepare license documents in accordance with this RIS and the requested information is necessary to complete that review.

“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 NRC's electronic document system. Pursuant to NRC's RIS 2005-31 and in accordance with 10 CFR 2.390, this record is exempt from public disclosure because its 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>.”

ACTION REQUIRED

Submit the requested information within **6 calendar days (by July 19, 2006)** by referencing control number **31 5385** to facilitate proper handling. If we do not receive an adequate response by this date, we may void the current action without attempting to contact you further and without prejudice to resubmission of your request at a later date. Upon receipt of your response we will reactivate placement of your request in our database and resume our review. Address your written response to my attention at the above address.

PLEASE NOTE THAT A “VOID” IS AN ADMINISTRATIVE PROCEDURE THAT PUTS YOUR AMENDMENT REQUEST “ON HOLD” (TAKES IT OUT OF OUR ACTIVE CASEWORK DATABASE) UNTIL YOU REACTIVATE IT VIA A WRITTEN RESPONSE. IT “BUYS” YOU TIME TO PREPARE A QUALITY RESPONSE AND IS GENERALLY REGARDED AS A “GOOD THING.”

PLEASE DIRECT ANY QUESTIONS YOU MAY HAVE TO ME AT 630-829-9841.

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Colleen Carol Casey



July 13, 2006