



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
2443 WARRENVILLE ROAD, SUITE 210  
LISLE, ILLINOIS 60532-4352

JAN 30 2013

Rik Stephens, M.D.  
Radiation Safety Officer  
Community Howard Regional Health, Inc.  
3500 S. Lafountain Street  
Kokomo, IN 46902

Dear Dr. Stephens:

Enclosed is Amendment No. 43 to your NRC Material License No. 13-13028-02 in accordance with your request. Please note that the changes made to your license are printed in **bold font**.

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.

**At this time we were unable to approve Luther B. Adair, II, M.D. as an authorized user for the use of materials in 10 CFR 35.100, 35.200, 35.392 and 35.394, because the information in your letter dated October 31, 2012, was insufficient to complete our review.**

**If you wish to pursue this matter please submit a written response to the following information request, addressed to my attention as "additional information to control number 579410" to facilitate proper handling in our offices.**

**Your letter dated October 12, 2012, requested that Dr. Adair be approved as an authorized user (AU) for the use of materials in 10 CFR 35.100, 35.200, 35.392 and 35.394. Your letter indicated that Dr. Adair's specialty board certification and attached preceptor forms would serve as the basis for supporting his request.**

**However, no specialty board certification documents were included with your letter. The preceptor forms also relied only on the specialty board certification, which was missing.**

**Please submit Dr. Adair's specialty board certification.**

**Please also note that, for the use of materials in 10 CFR 35.394, the American Board of Radiology (ABR) specialty board certification in Diagnostic Radiology, with AU eligibility, only applies if it was obtained on or after June 2011. Dr. Adair has requested this authorization and we do not have his specialty board certification yet.**

**But if his board certification was not obtained in accordance with the timeframes stated on NRC's website, we cannot use that alone to evaluate his qualifications. He must then apply for 35.394 authorization using the alternate pathway.**

R. Stephens

Please see this link on our website:

<http://www.nrc.gov/materials/miau/med-use-toolkit/spec-board-cert.html>

A marked up copy is enclosed for your use also.

Please refer to the above regulatory requirements as well as section 8.11, item 7 and Appendices B, D and E in NUREG 1556, Vol. 9, Rev. 2, for assistance in preparing your response.

If Forms 313a will be used in support of your response, please use the Forms found on our website at:

[http://www.nrc.gov/reading-rm/doc-collections/forms/nrc313a\(aud\).pdf](http://www.nrc.gov/reading-rm/doc-collections/forms/nrc313a(aud).pdf)

Please do not submit resumes, CV's, or personal, proprietary information that we must protect, in accordance with 10 CFR 2.390, such as social security numbers, dates of birth, home addresses or phone numbers, patient records, college transcripts, etc.

Please also be reminded of the provisions in 10 CFR 30.9(a), "Completeness and accuracy of information,"...(a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects."

In addition, at this time we must change Subitem No. 8.C. of your license to list one overall possession limit for materials in 10 CFR 35.300, instead of "As needed" and a limitation on iodine-131.

Please submit a written response, within 30 days of the date of this letter, stating what your total possession limit for materials in 10 CFR 35.300 should be, including iodine-131 and waste streams. Please follow the instructions above to facilitate proper handling in our offices of your written response, which should be signed by a senior management official.

If you have any questions concerning this amendment please contact me at either (630) 829-9841 or (800) 522-3025, ext. 9841. My fax number is 630-515-1078. My email address is [colleen.casey@nrc.gov](mailto:colleen.casey@nrc.gov).

In accordance with 10 Code of Federal Regulations 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 anagement 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

R. Stephens

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 black ink that reads "Colleen Carol Casey". The signature is written in a cursive, flowing style.

Colleen Carol Casey  
Materials Licensing Branch

License No. 13-13028-02  
Docket No. 030-13342  
Enclosure:

Amendment No. 43