



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

JUL 27 2015

Kevin Gostenik, M.D.
Radiation Safety Officer
DLP Marquette General Hospital, LLC
d/b/a UP Health System – Marquette
580 West College Avenue
Marquette, MI 49855

Dear Dr. Gostenik,

Enclosed is Amendment No. 74 to your NRC Material License No. 21-05432-04 in accordance with your request.

- A. At this time, we deleted Condition No. 13 from your license, as it appeared on Amendment No. 73, because it was no longer needed for your licensed program. Some of your subsequent Conditions have been re-numbered as a result of this change.
- B. We noted that Paul O. Thieme, Jr., D.O. permanently discontinued his duties under your license as of May 31, 2015, as described in your letter dated July 8, 2015.

Please note the following regarding this matter:

- 1. 10 CFR 35.14(b)(1) requires that licensees notify the Commission within 30 days after an authorized user permanently discontinues his duties. Dr. Thieme permanently discontinued his duties as of May 31, 2015, but you failed to notify the Commission until you sent the letter dated July 8, 2015, which we received July 10, 2015. The Commission was not notified, therefore, until more than 30 days after Dr. Thieme permanently discontinued his duties.
- 2. Dr. Thieme was the only authorized user named to your license for the use of materials in 10 CFR 35.400 and he has permanently discontinued his duties under your license. It was not clear to us whether you intended to retain authorization for materials in 10 CFR 35.400. We have continued this authorization in anticipation that continuing this authorization was your intention. Please advise us immediately if our understanding is incorrect by calling me at (630) 829-9841.
- C. We noted that your letter dated July 8, 2015, requested an "expedited" review. In addition, your letter dated December 29, 2014, requested an "expedited" review. Neither request included a specific date when needed and each contained only very minimal information about the reason for the "expedited" request.

To assist us in serving you better and to be fair to all of our licensees, it would be helpful to include some basic information when an emergent medical situation or compelling business situation arises and you want to request an "expedited" review.

If you want to request an "expedited" review, please specify the exact date when the licensing action needs to be completed (not vague terms such as "stat" or "as soon as possible," a date range, "week of," "end of month," etc.). Please advise us of the particulars of the situation and the specific justification and support for it to be moved up in our normal reviewing queue, which should be briefly summarized.

Having this information enables our management to best decide how to handle your "expedite" request. Please note that we normally process all licensing actions in the order in which they are received, i.e., "first come, first served." So to "expedite" your licensing action, we will have to bypass work on other cases we received before yours, at least temporarily. Please also be aware that many licensees request "expedited" reviews routinely, whether justified or not.

As stated in our acknowledgment card, sent to all who submit correspondence for our review, the initial review for amendments is normally completed within 90 days of receipt, as an internal goal only.

The technical and administrative quality of your submission is a primary factor that you can control in order to enable us to help you more promptly and minimize delays in the reviewing process.

Preparing your amendment requests carefully and in accordance with NRC's regulatory requirements and guidance, especially the documents in the NUREG 1556 series, as well as other information on our website at <http://www.nrc.gov>, will help ensure that your correspondence is complete and accurate in all material respects, as 10 CFR 30.9 (a) requires it to be.

Please also ensure that an appropriate senior management official (required by 10 CFR 35.12(a)) and/or your Radiation Safety Officer signs and dates the new license application or amendment request letter. Please include the name of at least one knowledgeable contact person who is familiar with your new license application or amendment request, his or her direct telephone number, and the best fax number to transmit the completed amendment to you. A business email address for the contact person may also be helpful in many circumstances.

Please address all initial licensing correspondence to: "ATTN: Materials Licensing Branch Chief" at the address shown below.

If you are responding to a specific reviewer who requested information about your expedite request, then it would be appropriate to respond to that reviewer directly, according to your pre-arrangement.

If you have any questions or comments please contact me at either (800) 829-9500, ext. 9841 or (630) 829-9841. My fax number is (630) 515-1078. My email address is colleen.casey@nrc.gov.

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.

Please contact me at 630-829-9841 if you have any questions regarding this amendment. My fax number is 630-515-1078.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC website 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 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,



Colleen Carol Casey
Materials Licensing Branch
Region III

Docket No. : 030-18133
License No.: 21-05432-04

Enclosure:
Amendment No. 74