

## MATERIALS LICENSE

Amendment No. 33

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below, to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee		301888	
1. Fisher-Titus Medical Center		In accordance with the letter dated September 25, 1996	
2. 272 Benedict Avenue Norwalk, OH 44857		3. License Number 34-06662-01 is amended in its entirety as follows:	
		4. Expiration Date July 31, 2003	
		5. Docket or Reference No. 030-02761	
6. Byproduct, Source, and/or Special Nuclear Material	7. Chemical and/or Physical Form	8. Maximum Amount that Licensee May Possess at Any One Time Under This License	
A. Any byproduct material identified in 10 CFR 35.100	A. Any radiopharmaceutical identified in 10 CFR 35.100	A. As needed	
B. Any byproduct material identified in 10 CFR 35.200	B. Any radiopharmaceutical identified in 10 CFR 35.200	B. As needed	
C. Any byproduct material identified in 10 CFR 35.300	C. Any radiopharmaceutical identified in 10 CFR 35.300	C. As needed	
D. Gadolinium-153	D. Sealed Sources (Isotope Products Laboratories Model 3409, HEGL-0022)	D. 2 sources not to exceed 86 millicuries each	
9. Authorized Use:			
A. Medical use described in 10 CFR 35.100.			
B. Medical use described in 10 CFR 35.200.			
C. Medical use described in 10 CFR 35.300.			
D. One source to be used in a Picker International PRISM 3000 Transmission Line Source Housing STEP device for medical radiography in humans. One source in its shipping container for replacement of the source.			

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PDR ADOCK 03002761  
C PDR

COPY

MATERIALS LICENSE  
SUPPLEMENTARY SHEET

License Number

34-06662-01

Docket or Reference Number

030-02761

Amendment No. 33

CONDITIONS

10. Licensed material shall be used only at the licensee's facilities located at 272 Benedict Avenue, Norwalk, Ohio.
11. Radiation Safety Officer: Luong Chi Tuong, M.D.  
Alternate Radiation Safety Officer: Matthew F. Gutowicz, Jr., D.O.
12. Licensed material listed in Item 6 above is only authorized for use by, or under the supervision of, the following individuals for the materials and uses indicated:

Authorized UsersMaterial and Use

Matthew F. Gutowicz, Jr., D.O.

10 CFR 35.100, 35.200, 35.300 and  
gadolinium-153 in STEP device for medical  
radiography.

Luong Chi Tuong, M.D.

10 CFR 35.100, 35.200, 35.300 and  
gadolinium-153 in STEP device for medical  
radiography.

13. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified in 10 CFR 30.35(d) for establishing decommissioning financial assurance.
14. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below, except for minor changes in the medical use radiation safety procedures as provided in 10 CFR 35.31. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.
- A. Applications dated March 15, 1993 (excluding Item 12.) and April 23, 1996;
- B. Application received September 1, 1994 (with attachments); and
- C. Letters dated June 28, 1993, October 10, 1994 (with attachments), May 3, 1996, and September 25, 1996.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date 10/3/96

By

Matthew F. Gutowicz, Jr.  
Nuclear Materials Licensing Branch, Region III

BETWEEN:

License Fee Management Branch, ARM  
and  
Regional Licensing Sections

(FOR LFMS USE)  
INFORMATION FROM LTS

Program Code: 02120  
Status Code: 0  
Fee Category: 7C  
Exp. Date: 20030731  
Fee Comments:  
Decom Fin Assur Req'd: N

LICENSE FEE TRANSMITTAL

A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: FISHER-TITUS MEDICAL CENTER  
Received Date: 960927  
Docket No: 3002761  
Control No.: 301888  
License No.: 34-06662-01  
Action Type: Amendment

2. FEE ATTACHED

Amount: 440  
Check No.: 120777

3. COMMENTS

Signed  
Date

D. Hersey  
9-30-96

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered / )

1. Fee Category and Amount: 7C 440

2. Correct Fee Paid. Application may be processed for:

Amendment ☒  
Renewal ☐  
License ☐

3. OTHER

Signed  
Date

SC  
10/4/96

1996 OCT -3 AM 11:09

OCT 09 1996

Log	OCT 2 III
Remitter	
Check No.	120777
Amount	440
Fee Category	7C
Type of Fee	Amnd
Date Check Rec'd	10/3/96
Date Completed	10/4/96
By:	SC

## EXHIBIT 1

NRC FORM 313 (1-84) 10 CFR 30.32, 33, 34 35 AND 40		U.S. NUCLEAR REGULATORY COMMISSION APPROVED BY OMS 31803100 Expires 5-31-97											
<b>APPLICATION FOR MATERIAL LICENSE</b>													
INSTRUCTIONS: SEE THE APPROPRIATE LICENSE APPLICATION GUIDE FOR DETAILED INSTRUCTIONS FOR COMPLETING APPLICATION. SEND TWO COPIES OF THE ENTIRE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.													
FEDERAL AGENCIES FILE APPLICATIONS WITH:  U.S. NUCLEAR REGULATORY COMMISSION DIVISION OF FUEL CYCLE AND MATERIAL SAFETY, NMSS WASHINGTON, DC 20545  ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS, IF YOU ARE LOCATED IN:  CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, MAINE, MARYLAND, MASSACHUSETTS, NEW JERSEY, NEW YORK, PENNSYLVANIA, RHODE ISLAND, OR VERMONT, SEND APPLICATIONS TO:  U.S. NUCLEAR REGULATORY COMMISSION, REGION I NUCLEAR MATERIAL SECTION B 631 PARK AVENUE KING OF PRUSSIA, PA 19406  ALABAMA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, PUERTO RICO, SOUTH CAROLINA, TENNESSEE, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA, SEND APPLICATIONS TO:  U.S. NUCLEAR REGULATORY COMMISSION, REGION II MATERIAL RADIATION PROTECTION SECTION 101 WARETTA STREET, SUITE 2900 ATLANTA, GA 30323		IF YOU ARE LOCATED IN:  ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND APPLICATIONS TO:  U.S. NUCLEAR REGULATORY COMMISSION, REGION III MATERIALS LICENSING SECTION 709 ROOSEVELT ROAD GLEN ELLYN, IL 60137  ARKANSAS, COLORADO, IDAHO, KANSAS, LOUISIANA, MONTANA, NEBRASKA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, SOUTH DAKOTA, TEXAS, UTAH, OR WYOMING, SEND APPLICATIONS TO:  U.S. NUCLEAR REGULATORY COMMISSION, REGION IV MATERIAL RADIATION PROTECTION SECTION 611 RYAN PLAZA DRIVE, SUITE 1000 ARLINGTON, TX 76011  ALASKA, ARIZONA, CALIFORNIA, HAWAII, NEVADA, OREGON, WASHINGTON, AND U.S. TERRITORIES AND POSSESSIONS IN THE PACIFIC, SEND APPLICATIONS TO:  U.S. NUCLEAR REGULATORY COMMISSION, REGION V MATERIAL RADIATION PROTECTION SECTION 1450 MARIA LANE, SUITE 310 WALNUT CREEK, CA 94596											
PERSONS LOCATED IN AGREEMENT STATES SEND APPLICATIONS TO THE U.S. NUCLEAR REGULATORY COMMISSION ONLY IF THEY WISH TO POSSESS AND USE LICENSED MATERIAL IN STATES SUBJECT TO U.S. NUCLEAR REGULATORY COMMISSION JURISDICTION.													
1. THIS IS AN APPLICATION FOR (Check appropriate item): <input checked="" type="checkbox"/> A. NEW LICENSE <input type="checkbox"/> B. AMENDMENT TO LICENSE NUMBER <u>34-06662-01</u> <input type="checkbox"/> C. RENEWAL OF LICENSE NUMBER _____		2. NAME AND MAILING ADDRESS OF APPLICANT (Include ZIP Code): <b>FISHER-TITUS MEDICAL CENTER</b> <b>272 BENEDICT AVE.</b> <b>NORWALK, OHIO 44857</b>											
3. ADDRESS(ES) WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED: <div style="text-align: center; font-size: 1.2em;">SAME AS ITEM #2</div>													
4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION: <b>FREDERICK W. URBAN - CONSULTANT - RADIOLOGICAL PHYSICS</b>		TELEPHONE NUMBER: <b>(216) 982-1110</b>											
SUBMIT ITEMS 5 THROUGH 11 ON 8 1/2" X 11" PAPER. THE TYPE AND SCOPE OF INFORMATION TO BE PROVIDED IS DESCRIBED IN THE LICENSE APPLICATION GUIDE.													
5. RADIOACTIVE MATERIAL: a. Element and mass number; b. Chemical and/or physical form; and c. maximum amount which will be possessed at any one time.		6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED:											
7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING AND EXPERIENCE.		8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.											
9. FACILITIES AND EQUIPMENT.		10. RADIATION SAFETY PROGRAM.											
11. WASTE MANAGEMENT.		12. LICENSE FEE (See 10 CFR 170 and Section 170.31): FEE CATEGORY: <b>7C</b> AMOUNT ENCLOSED \$ <b>440.00</b>											
13. CERTIFICATION: (Must be completed by applicant). THE APPLICANT UNDERSTANDS THAT ALL STATEMENTS AND REPRESENTATIONS MADE IN THIS APPLICATION ARE BINDING UPON THE APPLICANT. THE APPLICANT AND ANY OFFICIAL EXECUTING THIS CERTIFICATION ON BEHALF OF THE APPLICANT, NAMED IN ITEM 2, CERTIFY THAT THIS APPLICATION IS PREPARED IN CONFORMITY WITH TITLE 10, CODE OF FEDERAL REGULATIONS PARTS 30, 32, 33, 34, 35, AND 40 AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF. WARNING: 18 U.S.C. SECTION 1001, ACT OF JUNE 25, 1948, 62 STAT. 749 MAKES IT A CRIMINAL OFFENSE TO MAKE A WILLFULLY FALSE STATEMENT OR REPRESENTATION TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES AS TO ANY MATTER WITHIN ITS JURISDICTION.													
SIGNATURE-CERTIFYING OFFICER: <i>[Signature]</i>		TYPED/PRINTED NAME: <b>Richard C. Westhofen</b> TITLE: <b>President</b> DATE: <b>9-25-96</b>											
14. VOLUNTARY ECONOMIC DATA: a. WOULD YOU BE WILLING TO FURNISH COST INFORMATION (Labor and/or staff hours) ON THE ECONOMIC IMPACT OF CURRENT NRC REGULATIONS OR ANY FUTURE PROPOSED NRC REGULATIONS THAT MAY AFFECT YOU? (NRC Regulations permit it to protect confidential commercial or financial information - information furnished to the agency is confidential). <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		b. NUMBER OF EMPLOYEES (Do not include facility excluding outside contractors): c. NUMBER OF STUDENTS:											
15. ANNUAL RECEIPTS: <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>&lt;\$750K</td> <td>\$750K - \$1M</td> </tr> <tr> <td>\$1M - \$3M</td> <td>\$3M - \$5M</td> </tr> <tr> <td>\$5M - \$10M</td> <td>\$10M - \$25M</td> </tr> <tr> <td>\$25M - \$50M</td> <td>\$50M - \$100M</td> </tr> <tr> <td>\$100M - \$250M</td> <td>&gt;\$250M</td> </tr> </table>		<\$750K	\$750K - \$1M	\$1M - \$3M	\$3M - \$5M	\$5M - \$10M	\$10M - \$25M	\$25M - \$50M	\$50M - \$100M	\$100M - \$250M	>\$250M	FOR NRC USE ONLY	
<\$750K	\$750K - \$1M												
\$1M - \$3M	\$3M - \$5M												
\$5M - \$10M	\$10M - \$25M												
\$25M - \$50M	\$50M - \$100M												
\$100M - \$250M	>\$250M												
TYPE OF FEE: _____ FEE LOG: _____ FEE CATEGORY: _____ COMMENTS: _____		APPROVED BY: _____ DATE: _____											
AMOUNT RECEIVED: _____ CHECK NUMBER: _____		<div style="text-align: center; font-size: 1.5em; font-weight: bold;">             RECEIVED              SEP 27 1996              REGION III           </div>											

PRIVACY ACT STATEMENT ON THE REVERSE

EXH-3

pm: 9-25-96

301888



# Fisher-Titus Medical Center

272 Benedict Avenue  
Norwalk, Ohio 44857  
419/668-8101

DATE: September 25, 1996

U.S. Nuclear Regulatory Commission  
Region III  
ATTN: Materials Licensing Section  
801 Warrensville Rd.  
Lisle, Illinois 60532-4351

RE: NRC License #34-06662-01

To Whom It May Concern:

The purpose of this correspondence is to request our NRC license be amended in the following manner:

- Add Matthew F. Gutowicz, Jr., D.O. to our license as the Alternate Radiation Safety Officer. Dr. Gutowicz is an authorized user on our license.
- Delete Mary Jean Wall, M.D. as an authorized user at this facility.

Any questions regarding this correspondence may be directed to Jim Scheppers at (419) 668-8101 or Frederick W. Urban, Consultant at (216) 982-1110.

Expeditious handling of this request would be greatly appreciated. Our Radiation Safety Officer (RSO) is extremely ill and not performing the RSO duties at this time. Mr. Scheppers and Mr. Urban have program oversight responsibilities during this time.

Sincerely,

A handwritten signature in cursive script, reading 'Richard C. Westhofen'.

Richard C. Westhofen  
President

SEP 27 1996



OCT 09 1996

Richard C. Westhofen  
President  
Fisher-Titus Medical Center  
272 Benedict Avenue  
Norwalk, OH 44857

Dear Mr. Westhofen:

This refers to your letter dated September 25, 1996, and to our telephone conversation with your consultant, Mr. Frederick Urban, on October 2, 1996.

Enclosed is Amendment No. 33 to your NRC License No. 34-06662-01 in accordance with your request.

As discussed with Mr. Urban, your license was also updated in accordance with current NRC policy. Specifically: (1) License Condition No. 8.C. now includes a possession limit of one curie for iodine-131, (2) the previous License Condition No. 13 was dropped since it has been superseded by NRC regulations, and (3) License Condition No. 13, which contains a general possession limit, was added.

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 be advised that your license expires at the end of the day, in the month, and year stated in the license. Unless your license has been terminated, you must conduct your program involving byproduct materials in accordance with the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate in accordance with NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers; Inspections," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Notify NRC, in writing, within 30 days:
  - a. When an authorized user or Radiation Safety Officer permanently discontinues performance of duties under the license or has a name change;  
or

30/888

- b. When the licensee's mailing address changes (no fee is required if the location of byproduct material remains the same).
3. In accordance with 10 CFR 30.36(b) and/or license condition, notify NRC, promptly, in writing, and request termination of the license when you decide to terminate all activities involving materials authorized under the license.
4. Request and obtain a license amendment before you:
  - a. Receive or use byproduct material for a clinical procedure permitted under Part 35 but not permitted by your license issued pursuant to this Part;
  - b. Permit anyone, except individuals described in 10 CFR 35.13(b), to work as an authorized user under the license;
  - c. Change Radiation Safety Officers;
  - d. Order byproduct material in excess of the amount, or radionuclide, or form different than authorized on the license;
  - e. Add or change the areas of use or address or addresses of use identified in the license application or on the license; or
  - f. Change ownership of your organization.
5. Submit a complete renewal application with proper fee or termination request at least 30 days before the expiration date of your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of byproduct material after your license expires is a violation of NRC regulations. A license will not normally be renewed, except on a case-by-case basis, in instances where licensed material has never been possessed or used.

In addition, please note that NRC Form 313 requires the applicant, by his/her signature, to verify that the applicant understands that all statements contained in the application are true and correct to the best of the applicant's knowledge. The signatory for the application should be the licensee or certifying official rather than a consultant.

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 Policy and Procedures for NRC Enforcement Actions. Since serious consequences

R. Westhofen

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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.

Sincerely,

Original Signed By  
Michael F. Weber  
Nuclear Materials Licensing Branch

License No.: 34-06662-01  
Docket No.: 030-02761

Enclosure: Amendment No. 33

DOCUMENT NAME: M:\03002761.CL6

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	DNMS/RIII	C							
NAME	MVLEBER:jaw								
DATE	10/ /96								

OFFICIAL RECORD COPY





UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
801 WARRENVILLE ROAD  
LISLE, ILLINOIS 60532-4351

October 2, 1996

Matthew F. Gutowicz, Jr., D.O.  
Alternate Radiation Safety Officer  
Fisher-Titus Medical Center  
272 Benedict Avenue  
Norwalk, OH 44857

SUBJECT: ACKNOWLEDGEMENT OF CORRESPONDENCE  
(Letter & Application Dated 09/25/96)

Dear Licensee:

In response to your request, we have completed the initial processing, which is an administrative review of your application for a(n):

☐ New License                      ☒ Amendment                      ☐ Renewal  
☐ Termination                      ☐ Auth User (Amendment not required)  
☐ Other \_\_\_\_\_

No administrative deficiencies were identified during this initial review. However, it should be noted that a technical review may identify omissions in the submitted information.

It appears that your request is nonroutine and has been assigned to Michael Weber for an expedited review. If you should have any questions please contact Mr. Weber at (630) 829-9887.

1. New and amendment actions are normally processed within 90 days, unless we find major deficiencies, or policy issues requiring central program office assistance.
2. Renewal actions are normally processed within 180 days, however, under timely filing (before expiration), you may continue to operate under your existing license.
3. Termination actions are normally processed within 90 days, unless confirmatory surveys following decontamination/decommissioning activities are involved.

A copy of your correspondence has been forwarded to our Licensing Fee and Debt Collection Branch (301/415-6097) for approval of the fee category and amount, if required.

If you have a compelling safety or business-related reason for requesting expedited review, please contact the Materials Licensing Branch at (630) 829-9887. We will try to complete your request as soon as practicable. Any correspondence about this request should reference the control number.

Nuclear Materials Support Branch

Mail Control No. 301888  
License No. 34-06662-01