

MATERIALS LICENSE

Amendment No. 40

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.

302206

Licensee	In accordance with letter dated December 30, 1996 3. License Number 34-15184-01 is amended in its entirety to read as follows:
1. Flower Hospital	
2. 5200 Harroun Road Sylvania, OH 43560	4. Expiration Date July 31, 2003
	5. Docket or Reference No. 030-08699

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 radiopharmaceu- tical identified in 10 CFR 35.100	A. As needed
B. Any byproduct material identified in 10 CFR 35.200	B. Any radiopharmaceu- tical identified in 10 CFR 35.200	B. As needed
C. Any byproduct material identified in 10 CFR 35.300	C. Any radiopharmaceu- tical identified in 10 CFR 35.300	C. As needed
D. Any byproduct material identified in 10 CFR 35.400	D. Any brachytherapy sources identified in 10 CFR 35.400	D. As needed
E. Any byproduct material identified in 10 CFR 31.11	E. Prepackaged Kits	E. As needed
F. Uranium depleted in Uranium-235	F. Cadmium plated metal	F. As needed

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**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

34-15184-01

Docket or Reference Number

030-08699

Amendment No. 40

6. Byproduct, source,
and/or special nuclear
material

G. Iridium-192

7. Chemical and/or
physical form

G. Brachytherapy
Source Wire
(Amersham Model
ICW.100)

8. Maximum amount that
licensee may possess
at any one time under
this license

G. Not to exceed 200
millicuries per
source wire.
Total possession
not to exceed 300
millicuries

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. Medical use described in 10 CFR 35.400.
- E. In vitro studies.
- F. Shielding in a linear accelerator.
- G. For interstitial treatment of cancer.

CONDITIONS

- 10. Location of Use: 5200 Harroun Road, Sylvania, Ohio.
- 11. A. Radiation Safety Officer: William J. Potvin, Ph.D.
B. Assistant Radiation Safety Officer: Dennis A. Justice, Ph.D.
- 12. Authorized Users:
 - A. William K. Mueller, M.D., for materials in 10 CFR 35.300, 35.400, and iridium-192 wire.
 - B. Daniel Singer, M.D., for materials in 10 CFR 35.100, 35.200 and 35.300.
 - C. William G. Novak, M.D., for materials in 10 CFR 35.100 and 35.200.

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SUPPLEMENTARY SHEET**

License Number

34-15184-01

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Amendment No. 40

- D. William D. Eggleston, M.D., for materials in 10 CFR 35.300, 35.400, and iridium-192 wire.
- E. Edmund P. Ho, M.D., for materials in 10 CFR 35.300, 35.400, and iridium-192
- F. Rajender K. Ahuja, M.D., for materials in 10 CFR 35.300, 35.400, and iridium-192 wire.
- G. William F. Jeffries, M.D., for materials in 10 CFR 35.100, 35.200 and 35.300.
- H. Philip J. Silverman, M.D., for materials in 10 CFR 35.100, 35.200 and 35.300.
- I. Harvey Muehlenbeck, M.D., for materials in 10 CFR 35.100, 35.200 and 35.300 (excluding iodine-131 for thyroid carcinoma), and 31.11.
- J. Thomas V. Abowd, M.D., for materials in 10 CFR 35.100, 35.200 and 31.11.
- K. Gerald W. Marsa, M.D., for materials in 10 CFR 35.300, 35.400, and iridium-192 wire and colloidal phosphorus-32 for intracavitary treatments.
- L. Chun Il Mah, M.D., for materials in 10 CFR 35.300, 35.400, and iridium-192 wire and colloidal phosphorus-32 for intracavitary treatments.
- M. Steven R. Zeidner, M.D., for materials in 10 CFR 35.300, 35.400, and iridium-192 wire and colloidal phosphorus-32 for intracavitary treatments.
- N. Michael R. Hay, M.D., for materials in 10 CFR 35.100, 35.200, 35.300 and 31.11.
- O. Allan S. Kaufman, M.D., for materials in 10 CFR 35.100, 35.200 and 31.11.
- P. David Parker, M.D., for materials in 10 CFR 35.100, 35.200, 35.300 and 31.11.
- Q. Andre A. Konski, M.D., for material in 10 CFR 35.300, 35.400 and iridium-192 wire.
- R. Robin B. Shermis, M.D., for material in 10 CFR 35.100 and 35.200.
- S. Parag U. Parikh, M.D., for material in 10 CFR 35.100 and 35.200.

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**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

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Docket or Reference Number

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Amendment No. 40

- T. Murray A. Howe, M.D., for material in 10 CFR 35.100 and 35.200.
- U. Blaine A. Keigley, M.D., for material in 10 CFR 35.100 and 35.200.
- V. Vincent L. Perez, M.D., for material in 10 CFR 35.100, 35.200 and 35.300.
13. The licensee shall establish and implement a bioassay program for all individuals involved with preparation and administration of Iodine-131 therapy doses in excess of 30 millicuries. The program shall be equivalent to that outlined in Appendix P of Regulatory Guide 10.8 Revision 2.
14. Notwithstanding the provisions of 10 CFR 35.400(d), the licensee may use iridium-192 seeds encased in nylon ribbon as described in application dated April 20, 1992 and letter dated June 8, 1992 for intracavitary treatment of cancer.
15. The licensee shall follow the manufacturer's instructions for handling and cutting Iridium-192 brachytherapy source wires.
16. The licensee shall maintain records of information related to decommissioning at the location listed in item 2 of this license as specified in 10 CFR 30.35(g) until this license is terminated by the Commission.
17. In addition to the possession limits in Condition 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.
18. 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. Application dated May 26, 1993; and
- B. Letters dated February 15, 1995, March 15, 1995, May 15, 1995, May 9, 1996, June 6, 1996, and December 30, 1996.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date January 27, 1997

By Loren J. Hunter
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 2B
Exp. Date: 20030731
Fee Comments: CODE 23
Decom Fin Assur Req'd: N

LICENSE FEE TRANSMITTAL

A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: FLOWER HOSPITAL
Received Date: 970110
Docket No: 3008699
Control No.: 302206
License No.: 34-15184-01
Action Type: Amendment

2. FEE ATTACHED

Amount: 440
Check No.: 318829

3. COMMENTS

Signed
Date

D. Hersey
7/22/97

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

1. Fee Category and Amount: (7C) 2B #440

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

Amendment
Renewal
License

3. OTHER

Signed
Date

SC
7/22/97

1997 JUN 22 PM 1:48

Log	Jan 8 III
Remitter	
Check No.	318829
Amount	#440
Fee Category	(7C) 2B
Type of Fee	AmD
Date Check Rec'd	7/22/97
Date Completed	
By	SC



FLOWER HOSPITAL

December 30, 1996



Material Licensing Section
U.S. Nuclear Regulatory Commission
Region III
801 Warrenville Road
Lisle, IL 60532-4351

RE: License Number 34-15184-01

Dear Sir/Madam:

We would like to amend the above referenced license.

E. Theo Agard, Ph.D., who is named as Assistant Radiation Safety Officer, has retired. We would like to remove his name and add the following:

Assistant Radiation Safety Officer: Dennis A. Justice, Ph.D.

Dr. Justice is certified by the American Board of Radiology and has 20 years of experience in radiation protection. He has served as RSO on several agreement state and NRC licenses as detailed in the enclosed resume of training and experience.

Enclosed is a check in the amount of \$440.00 for the amendment fee. Please contact William J. Potvin, Ph.D. at 419-824-1212 if further information is needed.

Sincerely,

William J. Potvin, Ph.D.
Radiation Safety Officer

Randall L. Kelley
Senior Vice President
Chief Operating Officer

Enclosures

RECEIVED

JAN 10 1997

REGION III

pm: 1-6-97

JAN 10 1997 302206

DENNIS A. JUSTICE, Ph.D.
Radiological Physicist

PERSONAL DATA

Address:	(Business)	(Home)
	Flower Hospital	3718 Fairwood Dr.
	Oncology Department	Sylvania, Ohio
	5200 Harroun Road	43560
	Sylvania, Ohio 43560	
Phone:	(419) 824-1857	(419) 843-5033
FAX:	(419) 824-1752	

CERTIFICATION

The American Board of Radiology - Radiological Physics,
1981

EDUCATION

B.S. in Physics, Loyola University of Los Angeles, 1963

Ph.D. in Nuclear Physics, The University of Notre Dame,
1974

Fellow in Radiological Physics, The Memorial Sloan-
Kettering Cancer Center, NY, NY 1974-75

EXPERIENCE

Currently the Senior Physicist in a major midwestern hospital. Responsible for coordinating Physics services in three hospitals and one clinic. Extensive clinical experience in all phases of Radiological Physics. Responsible for the commissioning of multiple linear accelerators, simulators, treatment planning units, and X-ray units. Have designed and verified shielding for above. Extensive brachytherapy experience, including HDR. Experienced Radiation Safety Officer in both Agreement and Non-Agreement states. Instructor in radiology residency program, and technology programs in therapy, diagnostic radiology, and nuclear medicine. Have developed two intra-operative therapy programs. Hyperthermia experience. Have worked alone and supervised large staffs. Consultant to Indiana Board of Health and Radiation Accident Team.

EMPLOYMENT HISTORY

1975-89, Memorial Hospital of South Bend, South Bend, IN

Chief of Physics, Radiation Safety Officer, Teletherapy
Physicist NRC License #13-18881-01, 13-18881-02

1989-91, Hinsdale Hospital, Hinsdale, IL

Chief of Physics, Radiation Safety Officer, Teletherapy
Physicist IDNS License #IL-01403-01

1992-1994, Pennsylvania Radiation Physics Assn., Ltd.
Consultant in Radiological Physics; principal
consulting physicist to the Lancaster General Hospital.
Radiation Safety Officer and HDR Physicist NRC License
#37-11866-01

1994-Present, Promedica Health System.

From 1994-1996: The Toledo Hospital, Toledo, OH

Senior Physicist and technical manager of Radiation
Oncology. NRC License #34-01710-05.

Post September 1996 all Oncology moved to Flower Hospital.
Continue as Senior Physicist, with additional
responsibilities for satellite hospitals and clinics.

AWARDS

NIH Fellowship for post-doctoral study

NASA Fellowship for graduate study

ORGANIZATIONS

American Association of Physicists in Medicine

The American Board of Radiology

*Organized through the cooperation of the
American College of Radiology, the American Roentgen Ray Society,
the American Radium Society, the Radiological Society of North America,
the Section on Radiology of the American Medical Association
and the American Society of Therapeutic Radiologists*

Hereby certifies that

Dennis A. Justice, Ph.D.

*Has pursued an accepted course of graduate study
and clinical work, has met certain standards and qualifications and
has passed the examinations conducted under the authority of*

The American Board of Radiology

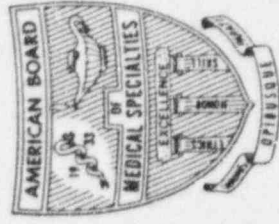
On this fifth day of June, 1981

*Thereby demonstrating to the satisfaction of the Board
that he is qualified to practice the specialty of*

Radiological Physics

Arnold S. Jacobson, M.D.
President

Samuel L. Friedman, M.D.
Secretary



JAN 28 1997

Randall L. Kelley
Senior Vice President and
Chief Operating Officer
Flower Hospital
5200 Harroun Road
Sylvania, OH 43560

Dear Mr. Kelley:

Enclosed is Amendment No. 40 to your NRC Material License No. 34-15184-01 in accordance with your request.

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
 - b. When the licensee's mailing address changes (no fee is required if the location of byproduct material remains the same).

302206

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 to employees and the public can result from failure to comply with NRC requirements,

R. Kelley

-3-

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
Loren J. Hueter
Nuclear Materials Licensing Branch

License No.: 34-15184-01
Docket No.: 030-08699

Enclosure: Amendment No. 40

DOCUMENT NAME: M:\03008699.CL7

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NAME	LJHEUTER:jaw	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DATE	01/27/97	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OFFICIAL RECORD COPY



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

January 16, 1997

William J. Potvin, Ph.D.
Radiation Safety Officer
Flower Hospital
5200 Harroun Road
Sylvania, OH 43560

SUBJECT: ACKNOWLEDGEMENT OF CORRESPONDENCE
(Letter Dated 12/30/96)

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 routine (see 1-3 below, as applicable).

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. 302206
License No. 34-15184-01