



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD STE 210
LISLE, ILLINOIS 60532-4352

DEC 28 2005

James C. Hatten
Radiation Safety Officer
LaPorte Hospital and Health Services
Department of Nuclear Medicine
1007 Lincolnway
LaPorte, IN 46350

Dear Mr. Hatten:

Enclosed is Amendment No. 39 to your NRC Material License No. 13-15151-01 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.

In correspondence dated October 14, 2005, you indicated that you wished to release your former radioactive waste storage room area for unrestricted use. The NRC staff has reviewed your final status surveys. Based on its review, the staff has concluded that all licensable radioactive material has been removed from your former radioactive waste storage room area and residual radioactive material attributable to licensed activities does not exceed current NRC criteria. Based on these conclusions no further remediation or actions with respect to NRC regulated material is required for this area of use and it is suitable for unrestricted use.

At this time I consolidated Subitem Nos. 6 through 9 F. and G., as they appeared on Amendment No. 38 and listed them under 10 CFR 35.500 in Subitem No. 6. through 9 E. I also noted that your letter dated October 5, 2005, requested that two new authorized user applicants be named for the use of materials in 10 CFR 31.11, although this license does not authorize the use of materials in 10 CFR 31.11 on the specific license. Therefore, since you did not request the addition of materials in 10 CFR 31.11, I disregarded this request

Please note that we were unable to approve Vivek Mishra, M.D. as an authorized user at this time for the use of materials in 10 CFR 35.100, 35.200 and 35.300 because the information provided was insufficient to complete me review. If you wish to pursue this request please provide the information requested and submit it to my attention as "additional information to control number 314903." We will then continue our review.

Dr. Mishra was not approved as an authorized user for the use of materials in 10 CFR 35.100, 35.200, and 35.300 because the documents necessary to support his application were not submitted. If Dr. Mishra is named to Illinois license number IL-01224-02 then a copy of that license should be provided to us showing Dr. Mishra's authorization. It may also be necessary to submit a description of Dr. Mishra's authorization translated from the language on the Illinois license into terminology and authorizations used by NRC.

Further, the letter from Dr. Sukerkar was insufficient to authorize Dr. Mishra for the use of materials in 10 CFR 35.300 as it did not appear that Dr. Mishra's training and experience met the requirements in 10 CFR 35.390. Please resubmit appropriate training and experience information

for Dr. Mishra in its entirety for each modality requested. Please also submit a copy of the NRC or Agreement State license that shows that Dr. Sukerkar was named as an authorized user for the use of materials in 10 CFR 35.300 during the timeframe when s/he trained Dr. Mishra in this modality.

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, Final, Revision 1, for assistance in preparing your response. NRC's regulations and the Guidance document referenced, NUREG 1556, Vol. 9, Final, Rev. 1, are available on our website through <http://www.nrc.gov>.

Please do not submit resumes, CV's, or personal, proprietary information that we must protect, in accordance with 10 CFR 2.790, such as social security numbers, dates of birth, home addresses or phone numbers, patient records, college transcripts, etc.

Please be reminded of the recentness of training regulations in 10 CFR 35.59. 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."

If you have any questions, please call me at (630) 829-9841.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). The NRC's document system is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The enclosed license document is exempt from public disclosure in accordance with 10 CFR 2.390, because its disclosure to unauthorized individuals could present a security vulnerability.

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.

Sincerely,



Colleen Carol Casey
Materials Licensing Branch

License No. 13-15151-01
Docket No. 030-08653

Enclosure: Amendment No. 39