



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

APR 18 2006

John Pacyniak, Ph.D.
Radiation Safety Officer
Ferrell-Duncan Clinic
1001 East Primrose
Springfield, MO 65808

Dear Dr. Pacyniak:

Enclosed is Amendment No. 18 to your NRC Material License No. 24-24332-01 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. This amendment incorporates several updates and changes resulting from the implementation of revised 10 CFR Part 35. If you have any questions concerning this amendment, please contact me at either (800) 522-3025 or (630) 829-9841. My fax numbers are either (630) 829-9782 or (630) 515-1259.

I deleted Condition No. 13, as it appeared on Amendment No. 17, because it is not appropriate for your license.

At this time we were unable to approve the request to create a controlled area for food and drink consumption in an area where licensed materials are used because the information in the letter received January 20, 2006, was insufficient to complete our review. If you wish to pursue this request please submit the following information, addressed to my attention and referencing control number 315154, and we will continue our review.

Please note that NUREG 1556, Vol. 9, Rev. 1, Appendix T, states: "Do not eat, store food, drink, smoke, or apply cosmetics in any area where licensed material is used or stored."

In order for us to consider the contiguous space described in the letter received January 20, 2006, as a controlled area where food and drink may be consumed on occasion please address the following in response:

1. Please explain the reason (justify and support, in terms of patient care or compelling business reasons) why it is necessary to consume food and drink in a "controlled area" where licensed materials are normally used and stored.
2. Please describe the specific compensatory safety measures that will provide a level of protection equivalent to the current regulatory policy prohibiting consumption of food and drink in areas where licensed material is used and stored.
3. Please describe and discuss the reasonable alternatives that you have already considered to allow eating and drinking by staff who work in this area and explain why these alternatives have been rejected in favor of creating the "controlled area."

4. Please describe the administrative controls you will employ to keep radioactive materials out of the "controlled area" and how you will keep food and drinks out of the areas where radioactive materials are used and stored, including waste disposal. How will a curtain and tape on the floor prevent persons from compromising the integrity of the controlled area and the radioactive materials use area around it? Note also that it is a common inference that food and drink waste materials are assumed to have been consumed in the area where the waste materials are found.
5. Please describe how management oversight and enforcement of the administrative controls described in item 4 above will be exercised. Specifically who will be allowed to eat and drink in the controlled area and who will not? If persons are found to be in violation of keeping the food/drinks and radioactive materials areas separate, what consequences will such persons face?
6. Please explain and illustrate your diagrams of the proposed controlled area and its contiguous surrounding area in greater detail. Precisely what is meant by "a by-product phlebotomy station?" Please confirm that the controlled area will contain postings identifying it as an area in which no radioactive materials will be permitted at any time. Please confirm that the radioactive materials areas around the controlled area will contain posting identifying each as an area where no food, drinks, etc. will be permitted at any time.
7. Please confirm that only food and drinks may be consumed in the controlled area, i.e., confirm that no cosmetics will be applied, no smoking will be allowed, etc.

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. 24-24332-01
Docket No. 030-18487

Enclosure:

Amendment No. 18