



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-4005

October 23, 2006

DMS Imaging, Inc.  
ATTN: Traci Hollingshead  
Corporate Radiation Safety Officer  
109 South Petro Avenue  
Sioux Falls, South Dakota 57107

SUBJECT: LICENSE AMENDMENT

Please find enclosed Amendment No. 15 of License No. 40-32477-01, **authorizing a new location of use as requested in your letter dated September 20, 2006**. An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14)(iv). You should review this license carefully and be sure that you understand all conditions. If you have any questions, please contact me at 817-860-8189.

NRC's Regulatory Issue Summary (RIS) 2005-31, provides criteria to identify security-related sensitive information and guidance for handling and marking of such documents. This ensures that potentially sensitive information is not made publicly available through ADAMS. The RIS may be located on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/>. Pursuant to NRC's RIS 2005-31, the enclosed materials license will be made publicly available.

NRC expects licensees to conduct their programs with meticulous attention to detail and a high standard of compliance. Because of the serious consequences to employees and the public that can result from failure to comply with NRC requirements, you must conduct your radiation safety program according to the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate by NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspection and Investigations," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Notify NRC in writing of any change in mailing address.
3. In accordance with 10 CFR 30.36(d), notify NRC, promptly, in writing within 60 days, and request termination of the license:
  - a. When you decide to terminate all activities involving materials authorized under the license whether at the entire site or any separate building or outdoor area;
  - b. If you decide not to acquire or possess and use authorized material; or
  - c. When no principal activities under the license have been conducted for a period of 24 months.

4. In accordance with 10 CFR 35.14, notify the NRC no later than 30 days after:
  - a. The date that the licensee permits an individual to work as an authorized user, an authorized nuclear pharmacist or an authorized medical physicist under 10 CFR 35.13(b)(1) through (b)(4);
  - b. An authorized user, an authorized nuclear pharmacist, a Radiation Safety Officer, or an authorized medical physicist permanently discontinues duties under the license or has a name change;
  - c. The licensee's mailing address changes;
  - d. The licensee's name changes, but the name change does not constitute a transfer of control of the license as described in 10 CFR 30.34(b); or
  - e. The licensee has added to or changed the areas of use identified in the application or on the license where byproduct material is used in accordance with either 35.100 or 35.200.
5. Request and obtain a license amendment before you:
  - a. Change Radiation Safety Officers;
  - b. Order byproduct material in excess of the amount, radionuclide or form authorized on the license;
  - c. Add or change the areas or address(es) of use identified in the license application or on the license; or
  - d. Change the name or ownership of your organization.
6. Submit a complete renewal application or termination request at least 30 days before the expiration date on your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of radioactive material after your license expires is a violation of NRC regulations.

In addition, please note that NRC Form 313 requires the applicant, by 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. Since the NRC also accepts a letter requesting amendment or renewal of an NRC license, the signatory for such a request should also be the licensee or certifying official rather than a consultant.

NRC will periodically inspect your radiation safety program. Failure to conduct your program according to NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC may result in enforcement action against you. This could include issuance of a notice of violation; imposition of a civil penalty; or an order suspending, modifying, or revoking your license as specified in the NRC Enforcement Policy. The NRC Enforcement Policy is available on the following internet address: <http://www.nrc.gov/what-we-do/regulatory/enforcement/enforc-pol.pdf>.

The NRC no longer publishes the NRC Rules and Regulations loose leaf supplements. However, an electronic version of the NRC's regulations is available on the NRC Web site at [www.nrc.gov](http://www.nrc.gov). To view these regulations, highlight "Electronic Reading Room" and choose "Regulations" on the drop down menu. An electronic version of the NUREG-1556 Series publications is also available on the NRC Web site. To view these guidance documents, highlight "Electronic Reading Room," choose "All Document Types" on the drop down menu. Scroll down to "NUREG-Series Publications" and select "Publications Prepared by the NRC Staff." Then, choose "NUREG-1556" from the table and select the appropriate volume(s) for your license type.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Thank you for your cooperation.

Sincerely,

**/RA/**

Roberto J. Torres, Senior Health Physicist  
Nuclear Materials Licensing Branch

Docket: 030-36404  
License: 40-32477-01  
Control: 471127

Enclosures: As stated

**MATERIALS LICENSE**

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  1. DMS Imaging, Inc.  2. 109 South Petro Avenue Sioux Falls, South Dakota 57107	In accordance with letter dated September 20, 2006  3. License number 40-32477-01 is amended In its entirety to read as follows:  4. Expiration date December 31, 2011  5. Docket No. 030-36404 Reference No.
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- |                                                                                                                                                                                                                                                               |                                                                                                                                                           |                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6. Byproduct, source, and/or special nuclear material<br><br>A. Any byproduct material permitted by 10 CFR 35.100<br><br>B. Any byproduct material permitted by 10 CFR 35.200<br><br>C. Any byproduct material permitted by 10 CFR 31.11<br><br>D. Cesium-137 | 7. Chemical and/or physical form<br><br>A. Any<br><br>B. Any<br><br>C. Prepackaged kits<br><br>D. Sealed sources (Technical Operations, Inc. Model 77322) | 8. Maximum amount that licensee may possess at any one time under this license<br><br>A. As needed<br><br>B. As needed<br><br>C. As needed<br><br>D. 1 source not to exceed 165 millicuries |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

9. Authorized use:
- A. Any uptake, dilution and excretion study permitted by 10 CFR 35.100.
  - B. Any imaging and localization study permitted by 10 CFR 35.200 (excluding xenon-133).
  - C. In vitro studies.
  - D. For use in Technical Operations, Inc. Model 773 calibrator for training and calibration of licensee's survey meters and personnel dosimeters.

**CONDITIONS**

10. A. Licensed material, excluding generators, may be received, stored, and dispatched from the licensee's facilities located at:
- 109 South Petro Avenue, Sioux Falls, South Dakota;
  - 736 Fourth Avenue Southwest, Watertown, South Dakota;
  - 305 7<sup>th</sup> Avenue SE., Watertown, South Dakota;
  - West Highway 16, Oacoma, South Dakota (excluding Subitem 6.D.); and
  - 1322 East Cherry Street, Vermillion, South Dakota (excluding Subitem 6.D.).

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- B. Licensed material, excluding generators, may be received by licensee personnel only, used, and stored at the fixed facilities located at:
- 109 South Petro Avenue, Sioux Falls, South Dakota; and
  - 917 North Washington, Madison, South Dakota (excluding Subitem 6.D.).
- C. Licensed material may be received by licensee personnel only, used, and stored at the following fixed facility located at:
- 4150 Fifth Street, Rapid City, South Dakota (excluding Subitem 6.D.).
- D. Licensed material (excluding generators and Subitem 6.D.) may be used at temporary job sites of medical care facilities anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material.
11. The Radiation Safety Officer (RSO) for this license is Traci Hollingshead.
12. Licensed material only authorized for use by, or under the supervision of:
- A. Individuals permitted to work as an authorized user, authorized nuclear pharmacist, and/or authorized medical physicist in accordance with 10 CFR 35.13 and 35.14.
- B. The following individuals are authorized users for medical use as indicated:
- | <u>Authorized Users</u>     | <u>Material and Use</u> |
|-----------------------------|-------------------------|
| Leslie Soine, M.D.          | 35.100 and 35.200       |
| Jim Matter, M.D.            | 35.100 and 35.200       |
| Scott Swenson, M.D.         | 35.100 and 35.200       |
| Thomas L.H. Tam, M.D.       | 35.100 and 35.200       |
| Donald Douglas, M.D.        | 35.100 and 35.200       |
| Richard Blank, M.D.         | 35.100 and 35.200       |
| John Kasper, M.D.           | 35.100 and 35.200       |
| Mark Schneider, M.D.        | 35.100 and 35.200       |
| Kathleen Gosens, M.D.       | 35.100 and 35.200       |
| Stephen L. Towle, M.D.      | 35.100 and 35.200       |
| Christian M. Peterson, M.D. | 35.100 and 35.200       |
| Dean K. Rigby, M.D.         | 35.100 and 35.200       |
| Hilton Bakker, M.D.         | 35.100 and 35.200       |
| William Koury, M.D.         | 35.100 and 35.200       |
| Steve Johnson, M.D.         | 35.100 and 35.200       |
| Raymondo Tan, M.D.          | 35.100 and 35.200       |
| James W. McGee, M.D.        | 35.100 and 35.200       |
| William Schwartau, M.D.     | 35.100 and 35.200       |
| Margaret Naylor, M.D.       | 35.100 and 35.200       |
| William D. Witrak, M.D.     | 35.100 and 35.200       |

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Authorized Users

Material and Use

Michael E. Ryan, M.D.	35.100 and 35.200
Ted W. Olds, M.D.	35.100 and 35.200
Mark B. Klien, M.D.	35.100 and 35.200
Patrick Schoenfelder, M.D.	35.100 and 35.200
David G. Alexander, M.D.	35.100 and 35.200
Russel E. Reichter, M.D.	35.100 and 35.200
Bruce J. Derauf, M.D.	35.100 and 35.200
Annette C. Douglas-Akirwande, M.D.	35.100 and 35.200
Julie R. Gilbertson, M.D.	35.100 and 35.200
Nathaniel L. Karlins, M.D.	35.100 and 35.200
David G. Mickelson, M.D.	35.100 and 35.200
Donald J. Stallman, M.D.	35.100 and 35.200
Michael J. Weiner, M.D.	35.100 and 35.200
Stephen Garrity, M.D.	35.100 and 35.200
Jacob A. Goldenberg, M.D.	35.100 and 35.200
Richard J. Marsden, M.D.	35.100 and 35.200
Mark Ottmar, M.D.	35.100 and 35.200
Corey Teigen, M.D.	35.100 and 35.200
Roger Gilbertson, M.D.	35.100 and 35.200
W.A. Boade, M.D.	35.100, 35.200, 31.11 and Subitem 6.D.
Bert W. Larson, M.D.	35.100, 35.200 and 31.11
Frank M. Grund, M.D.	35.100, 35.200 and 31.11
Fred Clinton Lovrien, M.D.	35.100, 35.200 and 31.11
Arliss N. Thompson, M.D.	35.100, 35.200 and 31.11
Larry S. Sidaway, M.D.	35.100 and 35.200
Barbara June Cook, M.D.	35.100, 35.200 and 31.11
Adams T. Stys, M.D.	35.100 and 35.200
David C. Hickey, M.D.	35.100, 35.200 and 31.11
Gregory D. Taylor, M.D.	35.100, 35.200 and 31.11
N.H. Nitzkowski, D.O.	35.100, 35.200 and 31.11
Marian S. Petrasko, M.D.	35.200
Jihad M. Khalil, M.D.	35.200
Geoffrey R. Bodeau, M.D.	35.100 and 35.200
Tomasz P. Stys, M.D.	35.100 and 35.200
K. John Heilman, M.D.	35.100 and 35.200
James Spaulding Walder, M.D.	35.200
Paul R. Rust, M.D.	35.100 and 35.200

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13. The licensee is authorized to transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
14. 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.
15. 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. This license condition applies only to those procedures that are required to be submitted in accordance with the regulations. Additionally, this license condition does not limit the licensee's ability to make changes to the radiation protection program as provided for in 10 CFR 35.26. 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 November 2, 1995
  - B. Letter dated April 1, 1996
  - C. Letter dated June 4, 1996
  - D. Letter dated February 18, 1997
  - E. Letter dated July 30, 1999
  - F. Facsimile dated November 10, 2000
  - G. Letter dated November 15, 2000
  - H. Facsimile dated February 2, 2001
  - I. Application dated June 26, 2001
  - J. Facsimile dated December 10, 2001
  - K. Letter dated December 21, 2001
  - L. Letter dated January 3, 2002
  - M. Letter received March 27, 2002
  - N. Letter dated July 11, 2002
  - O. Letter dated September 19, 2002 (with enclosed clearer prints for review)
  - P. Letter dated July 16, 2003
  - Q. Letter dated December 11, 2003
  - R. Letter dated February 2, 2004
  - S. Letter dated February 6, 2004
  - T. Letter dated February 26, 2004
  - U. Letter dated July 16, 2004 (with attached closeout surveys for Lone Pine Plaza, Suite 6, 3801 Bemidji Ave. N., Bemidji, MN and 323 S. Minnesota Street, Cookston, MN)
  - V. September 24, 2004 (with attachments)
  - W. Letter dated October 14, 2004
  - X. Letter dated November 1, 2004
  - Y. Letter dated December 15, 2004
  - Z. Letter dated February 4, 2005 (with attachments)

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- AA. Letter dated May 26, 2005
- BB. Letter dated July 7, 2005
- CC. Letter received September 29, 2005
- DD. Letter dated May 8, 2006
- EE. Letter dated September 20, 2006 (ML062850191)



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date: October 23, 2006By: /RA/Roberto J. Torres, Senior Health Physicist  
Nuclear Materials Licensing Branch  
Region IV  
Arlington, Texas 76011