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

July 14, 2007

Benefis Healthcare
ATTN: Kari L. Cann
Radiation Safety Officer
1101 26th Street South
Great Falls, MT 59405-5192

SUBJECT: LICENSE AMENDMENT

Please find enclosed Amendment No. 45 to NRC License No. 25-12710-01, **adding authorization for High Dose Rate (HDR) Afterloader Unit including appropriate changes to the authorized users and area of use. Please note that at this time we can not authorize Ms. Kari Cann as the authorized medical physicist (AMP) for iridium-192 (Ir-192) for use in a HDR. After reviewing the documentation for Ms. Cann's training and experience (T&E), it appears that we noted some deficiencies. Please note that NRC Form 313A(AMP) is specific in Part I, Section 2.b. to complete Part II Preceptor Attestation. In addition, 10 CFR 35.51 (b)(2) states that the AMP must have obtained written attestation that Ms. Cann has satisfactorily completed the requirements in paragraphs (c) and (a)(1) and (2), <u>or</u> (b)(1) <u>and</u> (c) of this section, and has achieved a level of competency sufficient to function independently as an AMP for <u>each</u> type of therapeutic medical unit (HDR) which the AMP is requesting AMP status. The written attestation must be signed by a preceptor authorized medical physicist who meets the requirements in 10 CFR 35.51, or equivalent Agreement State requirements for an AMP for <u>each</u> type of therapeutic medical unit (HDR) for which Ms. Cann is requesting AMP status. One option to use until Ms. Cann is authorized for Ir-192 HDR use is to add an AMP to your license who is authorized for Ir-192 HDR using 10 CFR 35.14 Notification regulations. Please note that if you use this option, please notify our office no later than 30 days after the date that the licensee permits the individual to work as an AMP so we can amend your license accordingly.**

Please note that the definition of a preceptor means an individual who provides, directs, <u>or</u> verifies training and experience required for an individual to become an authorized user, AMP, an authorized nuclear pharmacist, or a Radiation Safety Officer.

Whichever option you use, please reference Mail Control No. 471339 so that we'll know that this is a continuation of this amendment request. Upon receipt of satisfactory T&E documentation for the AMP using Ir-192 HDR or upon receipt of a Commission or an Agreement State license as required by 10 CFR 35.14, we will issue an amendment to your license that adds an AMP for Ir-192 HDR use.

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/. Additionally, the link for frequently asked questions may be located at: http://www.nrc.gov/reading-rm/faqlist.html, then select "Withholding of Sensitive Information." Pursuant to NRC's RIS 2005-31, the enclosed materials license will not be made publicly available.

The NRC medical list server has been set up. The list server will send automatic e-mail notifications of medical-related generic communications, Federal Register Notices, and NMSS/FSME newsletters as they are published. Anyone may subscribe/unsubscribe to the new medical list server by sending an e-mail to medical-gc@nrc.gov with "Subscribe" or "Unsubscribe" in the subject line.

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 the enclosed document carefully and be sure that you understand all conditions. If there are any errors or if you have any questions, contact me at 817-860-8132.

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. By 10 CFR 30.36(d) and/or license condition, notify NRC, promptly, in writing, 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, except for areas of use where byproduct material is used only in accordance with either 10 CFR 35.100 or 35.200; 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 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. 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 Collections" on the drop down menu; choose "NUREGS (NRC Reports)" 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 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/

Jacqueline D. Cook, Senior Health Physicist
Nuclear Materials Licensing Branch

Docket: 030-02404
License: 25-12710-01
Control: 471339

Enclosures: As stated