

Medical Physics Services, LLC

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February 28, 2008

Roberto J. Torres
Senior Health Physicist
U.S. Nuclear Regulatory Commission, Region IV
Division of Nuclear Materials Safety, Branch B
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011
Telephone 817-860-8189
Facsimile 817-860-8188
rjt@nrc.gov

Dear Mr. Torres;

I respectfully request an amendment to USNRC License # ~~24~~⁵-29220-01.

The request is for a change in status. The licensee is not currently practicing nuclear medicine cardiology under this license. There is no operation and no possession of radioactive materials. A decision regarding resumption of operation at a different location not yet been made.

Consequently, I request that the status of this license be changed from program code 02201 to program code 03810, no operations and no possession of radioactive materials.

Best regards,

James H. Brewer

James H. Brewer, Ph.D., DABR, RSO
Medical Physicist
jbrewer@littleappletech.com
406-581-9867

Copy: Karen Smith, Practice Manager
Montana Heart Center Cardiology

No 4 7 1 7 0 2

Mail Envelope Properties (47C6DBDE.F41 : 8 : 3905)

Subject: amendment request
Creation Date 02/28/2008 10:05:19 AM
From: "Jim Brewer" <jhb12345@gmail.com>
Created By: jhb12345@gmail.com

Recipients

nrc.gov
 ARL_PO.ARL_DO
 RJT (Roberto J Torres)

Post Office

ARL_PO.ARL_DO

Route

nrc.gov

Files	Size	Date & Time
MESSAGE	271	02/28/2008 10:05:19 AM
TEXT.htm	366	
amendment request 2-28-08.doc		47616
Mime.822	68510	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
 This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
 Junk List is not enabled
 Junk Mail using personal address books is not enabled
 Block List is not enabled

From: "James H. Brewer" <jbrewer@littleappletech.com>
To: "Roberto J Torres" <RJT@nrc.gov>
Date: 02/28/2008 9:16:45 AM
Subject: Re: Montana Heart Center Cardiology (license 25-29220-01, docket 030-37118)

Thank you for the timely response. The "inactive license option" is the best alternative for the Montana Heart Center Cardiology. They MHCC group of physicians has not renewed the lease of their facility in Community Medical Center (Missoula), have moved to another location in Missoula and are undecided about doing NM Cardiology at the new location.

Their camera has been removed from Community Hospital and a new camera owned by Community Medical Center has been installed. The MHCC physicians still read at CMC, and are on the CMC license as authorized users.

I hope these comments bring some clarity to the resent request for adding a new use site (the former MHCC site in CMC) to the CMC license.

Best regards, Jim Brewer

On Wed, Feb 27, 2008 at 8:14 AM, Roberto J Torres <RJT@nrc.gov> wrote:

> Dr. Brewer:
>
> Another option in lieu of license termination is to request that
> Montana Heart Center Cardiology's license be amended to incorporate the
> following change.
>
> 1) Request that the current license program code for Montana Heart
> Center Cardiology (02201, medical private practice - written directive
> not required) be changed to program code 03810, "byproduct material
> stand by - no operations (no possession of radioactive material)."
>
> This program code was created for those licensees that needed some time
> to decide whether to terminate their license or reactivate it. Please
> note that 10 CFR 30.36(d) requires NRC licensees to terminate their
> license when no principal activities under the license have been
> conducted for a period of 24 months.
>
> Roberto J. Torres
> Senior Health Physicist
> U.S. Nuclear Regulatory Commission, Region IV
> Division of Nuclear Materials Safety, Branch B
> 611 Ryan Plaza Drive, Suite 400
> Arlington, Texas 76011
> Telephone 817-860-8189
> Facsimile 817-860-8188
> rjt@nrc.gov
>

CC: "Ryan-O'Hara, Kimberly" <KRyanOhara@communitymed.org>

Mail Envelope Properties (47C6D04F.AC6 : 11 : 2758)

Subject: Re: Montana Heart Center Cardiology (license 25-29220-01, docket 030-37118)
Creation Date 02/28/2008 9:16:04 AM
From: "James H. Brewer" <jbrewer@littleappletech.com>
Created By: jbrewer@littleappletech.com

Recipients

nrc.gov
 ARL_PO.ARL_DO
 RJT (Roberto J Torres)

communitymed.org
 KRyanOhara CC (Kimberly Ryan-O'Hara)

Post Office

ARL_PO.ARL_DO

Route

nrc.gov
 communitymed.org

Files	Size	Date & Time
MESSAGE	1859	02/28/2008 9:16:04 AM
TEXT.htm	2335	
Mime.822	6921	

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is eligible for Junk Mail handling
 This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
 Junk List is not enabled
 Junk Mail using personal address books is not enabled
 Block List is not enabled

From: "Jim Brewer" <jhb12345@gmail.com>
To: <rjt@nrc.gov>
Date: 02/28/2008 10:06:28 AM
Subject: amendment request

Greetings Mr. Torres;

I have attached an amendment request for USNRC license 25-29220-01
The licensee has ceased operations and does not possess radioactive
materials. A decision regarding resumption of activities has yet to be made.

030-37118

Please see the attached request.

ACCEPTANCE REVIEW MEMO (ARM)

Licensee: Montana Heart Center
 Cardiology **License No.:** 25-29220-01
Docket No.: 030-37118 **Mail Control No.:** 471702
Type of Action: Amend **Date of Requested Action:** 02-28-08
Reviewer Assigned: **ARM reviewer(s):** Torres

Response	Deficiencies Noted During Acceptance Review
	<input type="checkbox"/> Open ended possession limits. Submit inventory. Limit possession. <input type="checkbox"/> Submit copies of latest leak test results. <input type="checkbox"/> Add IC L.C./Fingerprint LC, add SUNSI markings to license. <input type="checkbox"/> Confirm with licensee if they have NARM material.

Reviewer's Initials: _____ **Date:** _____

<input type="checkbox"/> Yes	<input type="checkbox"/> No	Request for unrestricted release Group 2 or >. Consult with Bravo Branch.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Termination request < 90 days from date of expiration
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Expedite (medical emergency, no RSO, location of use/storage not on license, RAM in possession not on license, other)
<input type="checkbox"/> Yes	<input type="checkbox"/> No	TAR needed to complete action.

Branch Chief's and/or HP's Initials: _____ **Date:** _____

SUNSI Screening according to RIS 2005-31

Yes No **Sensitive and Non-Publicly Available** if any item below is checked

General guidance:

- _____ RAM = or > than Category 3 (Table 1, RIS 2005-31), use Unity Rule
- _____ Exact location of RAM (whether = or > than Category 3 or not)
- _____ Design of structure and/or equipment (site specific)
- _____ Information on nearby facilities
- _____ Detailed design drawings and/or performance information
- _____ Emergency planning and/or fire protection systems

Specific guidance for medical, industrial and academic (above Category 3):

- _____ RAM quantities and inventory
- _____ Manufacturer's name and model number of sealed sources & devices
- _____ Site drawings with exact location of RAM, description of facility
- _____ RAM security program information (locks, alarms, etc.)
- _____ Emergency Plan specifics (routes to/from RAM, response to security events)
- _____ Vulnerability/security assessment/accident-safety analysis/risk assess
- _____ Mailing lists related to security response

Branch Chief's and/or HP's Initials: RTZ **Date:** MAR - 5 2008

Checklist to Ensure That Radioactive Material Will Be Used as Intended

Applicant Information:

Control No. 471702

Name: Montana Heart Center Cardiology	Type of Request: Amend Program Code(s): 02201
Location: MT	License No.: 25-29220-01 Docket No.: 030-37118

STEP 1, ITEM A - INITIAL SCREENING

Instructions for Step 1: Complete Step 1 for all applications. If Step 1, Items A and B, are "YES" then do not complete Step 2. Sign and date the completed form and add it to ADAMS as Non-Sensitive and Non-Publicly Available. If a "NO" response is indicated for Item A or Item B, add the completed form to ADAMS as Sensitive and Non-Publicly Available, and complete Step 2 (Additional Screening). If the type of use is subject to a Security Order, complete Step 3, Item A, without delay. If the additional requirements for increased controls will be applied or voided, complete Step 3, Item B, without delay.	YES or NO
A. The applicant is a known entity or a licensee transferring control to a known entity. This determination has been made using the screening criteria in Worksheet A below.	Yes

Worksheet A

Instructions for Worksheet A: Answer each of the 6 questions below by placing a "Yes", "No", or "NA" response in the column on the right. Best practices for a reviewer are provided after each of the questions. If the answer to any of the 6 questions is "Yes" then indicate "Yes" in Step 1, Item A, above. If the answers to all of the 6 questions is "No" then indicate "No" in Step 1, Item A, above. NOTE - If the reviewer has personal knowledge of the applicant's veracity, this can be taken into account in responding to any questions. For example, if the applicant's management and/or RSO have been associated with a current or previous NRC or Agreement State license, then the applicant may be considered as a known entity.	YES, NO, or NA
1. Does the applicant have a current Agreement State or NRC license? The reviewer should 1) confirm that a valid license/registration/authorization exists for the applicant; and 2) compare the current license to the application to verify that the application represents a reasonable expansion of the licensee's operation (i.e., medical facility adding a gamma knife or an Agreement State licensee obtaining an NRC license in order to work in NRC jurisdiction without filing reciprocity).	Yes
2. Does the applicant have a current Agreement State or NRC license at another location and the new application represents the addition of a new facility within the scope of the licensee's core business? The reviewer should contact the appropriate licensing authority to confirm that a valid license/registration/authorization exists for the applicant and the corporate office of the licensee to verify that it has knowledge of and approves of the new application.	
3. Does the applicant have a current State or Federal government license, registration, authorization, etc., for other operations within the scope of its proposed license activities? (e.g., a company authorized by a State for mining that is now requesting authorization to use fixed gauges). The reviewer should contact the appropriate government office to confirm that the license, registration, authorization, etc., is valid; and the applicant's corporate office to confirm that it has knowledge of and approves of the new application to possess radioactive materials.	
4. Is the applicant a local, State or Federal government agency? The reviewer should contact the local, State or Federal government office to confirm that the applicant is a government entity.	
5. Does the application only involve the relocation of an existing licensee, or its mailing address, to another State? This includes new licenses created from existing licenses listing locations in multiple States, in preparation for transfer of licenses to States that will shortly sign an Agreement with the NRC.	
6. Is the application only the result of a licensee failing to submit a renewal application in a timely manner?	

STEP 1, ITEM B - INITIAL SCREENING CONTINUED

<p>B. The applicant is requesting certain radionuclides and quantities that are less than the Risk Significant Quantity (TBq) values in Worksheet B, below, as "highlighted" by the reviewer, or is currently subject to a security order or additional requirements for increased controls. If "Yes", there is no need to proceed further.</p>	<p>N/A</p>
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Worksheet B - Risk Significant Quantities

(Category 2 Quantities, IAEA Safety Guide No. RS-G-1.9, Categorization of Radioactive Sources, August 2005)

Radionuclide	Risk Significant Quantity (TBq ¹)	Risk Significant Quantity (Ci ¹)	Radionuclide	Risk Significant Quantity (TBq ¹)	Risk Significant Quantity (Ci ¹)
Am-241	0.6	16	Pm-147	400	11,000
Am-241/Be	0.6	16	Pu-238	0.6	16
Cf-252	0.2	5.4	Pu-239/Be	0.6	16
Cm-244	0.5	14	Ra-226 ²	0.4	11
Co-60	0.3	8.1	Se-75	2	54
Cs-137	1	27	Sr-90 (Y-90)	10	270
Gd-153	10	270	Tm-170	200	5,400
Ir-192	0.8	22	Yb-169	3	81

¹ The primary values are TBq. The curie (Ci) values are for informational purposes only.
² The Atomic Energy Act, as amended by the Energy Policy Act of 2005, authorizes NRC to regulate Ra-226 and NRC is in the process of amending its regulations for discrete sources of Ra-226.

<p>Calculations of the Total Activity or the Unity Rule were completed. NOTE—If an amendment of an existing license is being requested, the calculations will include the previously authorized quantities for the radionuclide(s).</p>	<p>Yes, No, or Not Applicable (NA)</p>
<p>Total Activity—multiple activities are requested for a single radionuclide and the sum of the activities is less than the Risk Significant Quantity (TBq) for the radionuclide.</p>	
<p>Unity Rule—multiple radionuclides are requested and the sum of the ratios is less than 1.0, e.g., [(total activity for radionuclide A) ÷ (risk significant quantity for radionuclide A)] + [(total activity for radionuclide B) ÷ (risk significant quantity for radionuclide B)] < 1.0.</p>	

Signature and Date for Step 1:


MAR - 5
 License Reviewer and Date

MAR 11 2008

DATE

This is to acknowledge the receipt of your letter/application dated 2-18-08, and to inform you that the initial processing, which includes an administrative review, has been performed.

- There were no administrative omissions. Your application will be assigned to a technical reviewer. Please note that the technical review may identify additional omissions or require additional information.
- Please provide to this office within 30 days of your receipt of this card:

The action you requested is normally processed within 90 days.

- A copy of your action has been forwarded to our License Fee & Accounts Receivable Branch, who will contact you separately if there is a fee issue involved.

Your action has been assigned **Mail Control Number** 471702.
When calling to inquire about this action, please refer to this mail control number.
You may call me at 817-860-8103.

Sincerely,



Licensing Assistant

