



# Clarian Arnett Health

Medical Group

Facsimile originating from: Clarian Arnett Health  
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Please deliver to: *Materials Licensing Branch*

FAX Number: *630-515-1078*

From: *Dr. Dittmer*

Date: *11/21/08*

Number of Pages: *7*

### Confidentiality Notice

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Materials Licensing Branch  
Attention: Toye Simmons  
U.S. Nuclear Regulatory Commission, Region III  
2443 Warrenville Road, Suite 210  
Lisle, IL 60532-4352

Reference: Control number 317354  
License number 13-32087-01  
Docket number 030-34812

Dear Ms. Simmons;

The attached NRC Form 313 is submitted to support a request for renewal and amendment of the referenced license, originally requested in a letter dated July 16, 2008. This request differs from the earlier request in two important respects. First, the earlier letter requested that the license be amended to permit that sealed sources as discussed in 10 CFR 35.400 be added to the license to be used for prostate seed implants. This request is hereby withdrawn. Second, since the existing license does not include an Authorized User for byproduct material permitted by 10 CFR 35.300, the NRC directed that these materials be removed from the license. This letter and the attached Form 313 are in compliance with this request.

In addition, the July 16, 2008 letter discussed organizational changes in the license holder, following the format of NRC Information Notice 89-25, which governs Transfer of Control. As suggested by the NRC, we have reviewed NUREG 1556, Vol. 15, which supersedes 89-25 and gives more current guidance concerning transfer of control. In view of similarities between the current case and example (2) on page D-5 of this document, the changes in the license holder may or may not constitute a change of control. To help the NRC make this determination, the information submitted previously is resubmitted herewith, following the format given on page F-2 of Appendix F of NUREG 1556, Vol. 15.

1. Provide a complete description of the transaction (transfer of stocks or assets, or merger). Indicate whether the name has changed and include the new name. Include the name and telephone number of a licensee contact who NRC may contact if more information is needed.

Response: NRC license number 13-32087-01 was formerly held by Oncology Institute of Greater Lafayette, which was wholly owned by Arnett Clinic, LLC. Effective October 15, 2008, Arnett Clinic was sold to Clarian Health Partners and a new entity was formed, Clarian Arnett Health System, Inc. Clarian Arnett Health consists of a hospital and ambulatory practices. All assets, financial obligations, and personnel from Oncology Institute of Greater Lafayette were transferred into Clarian Arnett Health. Any questions concerning the transaction should be directed to Dan Goodwin, Administrator at 765-448-8151, Cell 765-491-8233.

2. Describe any changes in personnel or duties that relate to the licensed program. Include training and experience for new personnel.

Response: No change in personnel

Loubna Scally, M.D., will continue to serve as Authorized User, Phil H. Dittmer, Ph.D., as Radiation Safety Officer, and Dr. Dittmer, Colleen M. DesRosiers, Ph.D., and Eric Slessinger, M.S. as Authorized Medical Physicists.

3. Describe any changes in the organization, location, facilities, equipment or procedures that relate to the licensed program.

Response: There are no changes. The licensee continues to operate at 420 North 26<sup>th</sup> Street, Lafayette, Indiana 47904.

4. Describe the status of the surveillance program (surveys, wipe tests, quality control) at the present time and the expected status at the time that control is to be transferred.

Response: Prior to the initial request (July 16, 2008), it was verified that all surveillance items and records, including radioactive material inventory requirements, were current. These included records of source calibrations, leak tests and surveys conducted at the time of each HDR source exchange and at the time of receipt of any other sealed or unsealed sources, and records of surveys conducted at the time of patient treatments. All of these records were transferred to the new entity.

5. Confirm that all records concerning the safe and effective decommissioning of the facility will be transferred to the transferee or to the NRC, as appropriate. These records include documentation of surveys of ambient radiation levels and fixed and/or removable contamination, including methods and sensitivity.

Response: Not applicable. There has been no decommissioning of the facility.

6. Confirm that the transferee will abide by all constraints, conditions, requirements and commitments of the transferor or that the transferee will submit a complete description of the proposed licensed program.

Clarian Arnett Health will abide by all constraints, conditions, requirements and commitments pertaining to the existing license as previously held by the Oncology Institute of Greater Lafayette.

Any questions regarding matters other than the transfer of control should be directed to Phil H. Dittmer, Radiation Safety Officer at [pdittmer@iupui.edu](mailto:pdittmer@iupui.edu), 765-448-7581, Cell 317-306-1620.

I look forward to receiving your response.

Sincerely,



Phil H. Dittmer, Ph.D.  
Radiation Safety Officer



Dan Goodwin  
Administrator  
Clarian Arnett Health

**NRC FORM 313**  
(4-2008)  
10 CFR 30, 32, 33,  
34, 35, 36, 38, and 40

**U.S. NUCLEAR REGULATORY COMMISSION**

**APPLICATION FOR MATERIALS LICENSE**

**APPROVED BY OMB: NO. 3160-0120** **EXPIRES: 10/31/2008**

Estimated burden per response to comply with this mandatory collection request: 4.4 hours. Submittal of the application is necessary to determine that the applicant is qualified and that adequate procedures exist to protect the public health and safety. Send comments regarding burden estimate to the Records and FOIA/Privacy Services Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to [infocollects@nrc.gov](mailto:infocollects@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NE08-10202, (3150-0120), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

**INSTRUCTIONS: SEE THE APPROPRIATE LICENSE APPLICATION GUIDE FOR DETAILED INSTRUCTIONS FOR COMPLETING APPLICATION. SEND TWO COPIES OF THE ENTIRE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.**

**APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:**

DIVISION OF INDUSTRIAL AND MEDICAL NUCLEAR SAFETY  
OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS  
U.S. NUCLEAR REGULATORY COMMISSION  
WASHINGTON, DC 20555-0001

**ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS:**

**IF YOU ARE LOCATED IN:**

ALABAMA, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, FLORIDA, GEORGIA, KENTUCKY, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, PUERTO RICO, RHODE ISLAND, SOUTH CAROLINA, TENNESSEE, VERMONT, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA, SEND APPLICATIONS TO:

LICENSING ASSISTANCE TEAM  
DIVISION OF NUCLEAR MATERIALS SAFETY  
U.S. NUCLEAR REGULATORY COMMISSION, REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PA 19406-1415

**IF YOU ARE LOCATED IN:**

ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND APPLICATIONS TO:

MATERIALS LICENSING BRANCH  
U.S. NUCLEAR REGULATORY COMMISSION, REGION III  
2443 WARRENVILLE ROAD, SUITE 210  
LISLE, IL 60532-4352

ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, HAWAII, IDAHO, KANSAS, LOUISIANA, MISSISSIPPI, MONTANA, NEBRASKA, NEVADA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, OREGON, PACIFIC TRUST TERRITORIES, SOUTH DAKOTA, TEXAS, UTAH, WASHINGTON, OR WYOMING. SEND APPLICATIONS TO:

NUCLEAR MATERIALS LICENSING BRANCH  
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV  
812 E. LAMAR BOULEVARD, SUITE 400  
ARLINGTON, TX 78011-4126

**PERSONS LOCATED IN AGREEMENT STATES SEND APPLICATIONS TO THE U.S. NUCLEAR REGULATORY COMMISSION ONLY IF THEY WISH TO POSSESS AND USE LICENSED MATERIAL IN STATES SUBJECT TO U.S. NUCLEAR REGULATORY COMMISSION JURISDICTIONS.**

1. THIS IS AN APPLICATION FOR (Check appropriate item)

A. NEW LICENSE

B. AMENDMENT TO LICENSE NUMBER 13-32087-01

C. RENEWAL OF LICENSE NUMBER 13-32087-01

2. NAME AND MAILING ADDRESS OF APPLICANT (include ZIP code)

Clarian Arnett Health System, Inc.  
420 North 26<sup>th</sup> Street  
Lafayette, IN 47904

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

Clarian Arnett Health Cancer Care  
420 North 26<sup>th</sup> Street  
Lafayette, IN 47904

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

Phil H. Dittmer, Ph. D.

TELEPHONE NUMBER  
765-448-7581

**SUBMIT ITEMS 5 THROUGH 11 ON 8-1/2 X 11" PAPER. THE TYPE AND SCOPE OF INFORMATION TO BE PROVIDED IS DESCRIBED IN THE LICENSE APPLICATION GUIDE.**

5. RADIOACTIVE MATERIAL  
a. Element and mass number; b. chemical and/or physical form; and c. maximum amount which will be possessed at any one time.

7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING EXPERIENCE.

9. FACILITIES AND EQUIPMENT.

11. WASTE MANAGEMENT.

6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED.

8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.

10. RADIATION SAFETY PROGRAM.

12. LICENSE FEES (See 10 CFR 170 and Section 170.31)

FEE CATEGORY	AMOUNT ENCLOSED	\$
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13. CERTIFICATION. (Must be completed by applicant) THE APPLICANT UNDERSTANDS THAT ALL STATEMENTS AND REPRESENTATIONS MADE IN THIS APPLICATION ARE BINDING UPON THE APPLICANT.

THE APPLICANT AND ANY OFFICIAL EXECUTING THIS CERTIFICATION ON BEHALF OF THE APPLICANT, NAMED IN ITEM 2, CERTIFY THAT THIS APPLICATION IS PREPARED IN CONFORMITY WITH TITLE 10, CODE OF FEDERAL REGULATIONS, PARTS 30, 32, 33, 34, 35, 36, 38, AND 40, AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF.

WARNING: 18 U.S.C. SECTION 1001 ACT OF JUNE 25, 1948 92 STAT. 749 MAKES IT A CRIMINAL OFFENSE TO MAKE A WILLFULLY FALSE STATEMENT OR REPRESENTATION TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES AS TO ANY MATTER WITHIN ITS JURISDICTION.

CERTIFYING OFFICER - TYPED/PRINTED NAME AND TITLE: **Dan Goodwin, Administrator**

SIGNATURE: 

DATE: **11-20-08**

FOR NRC USE ONLY					
TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
			\$		
APPROVED BY				DATE	

**Item 2: Applicant's Name and Mailing Address**

Clarian Arnett Health System, Inc.  
420 North 26<sup>th</sup> Street  
Lafayette, IN 47904

Note regarding Item 2: the license referenced in Item 1 was issued to Oncology Institute of Greater Lafayette on September 14, 1998. Oncology Institute of Greater Lafayette was wholly owned by Arnett Clinic, LLC. As stated in a letter submitted to the NRC on July 16, 2008, Oncology Institute of Greater Lafayette ceased to exist on October 15, 2008. On that date, Arnett Clinic, LLC was sold to Clarian Health Partners, and all assets, financial obligations, and personnel of Arnett Clinic, including Oncology Institute of Greater Lafayette, were transferred into a new entity, Clarian Arnett Health System, Inc. Details of this change which are relevant to the NRC license were described in the July 16, 2008 letter, following the format suggested in NRC Information Notice 89-25.

**Item 5: Radioactive Material**

As there is currently no Authorized User on the license for byproduct material permitted by 10 CFR 35.300, it is requested that the license be amended by removing reference to these materials from the existing license, Items 6B, 7B, and 8B. The Radioactive Material remaining on the license consists of Items 6A, 7A, and 8A of the existing license, as follows:

Byproduct, source, and/or special nuclear material. Iridium-192 permitted by 10 CFR 35.600. Chemical and/or physical form. Sealed sources (Nucletron Model No. 105.002, manufactured by Mallinckrodt Medical B.V. or AEA Technology, Inc.)

Maximum amount that licensee may possess at any one time under this license. 2 sources, 1 source not to exceed 12 curies, and 1 source not to exceed 9 curies.

**Item 6: Purpose for Which Licensed Material Will be Used**

As there is currently no Authorized User on the license for byproduct material permitted by 10 CFR 35.300, it is requested that the license be amended by removing Item 9B, which authorizes use of these materials. The purpose for which license material will be used under the license will be limited to the purpose stated in Item 9A of the current license, as follows:

One source for medical use, as permitted by 10 CFR 35.600, in a Nucletron MicroSelectron-HDR Model 105.999 remote afterloading brachytherapy device. One source (not to exceed 12 curies while stored pending installation) in a shipping container for source replacement.

**Item 7: Individual Responsible for Radiation Safety Program and Their Training and Experience**

Same as existing license. Radiation Safety Officer is Phil H. Dittmer, Ph. D.

**Item 8: Training for Individuals Working in or Frequenting Restricted Areas**

Same as existing license.

Licensed material will be used under the supervision of the same individuals as listed on the existing license. These include

Authorized User

Loubna Scally, M. D.,

and

Licensed material will be used under the supervision of the same individuals as listed on the existing license. These include

Authorized User

Loubna Scally, M. D.,

and

Authorized Medical Physicists

Eric Slessinger, M. S.,

Phil H. Dittmer, Ph. D., and

Colleen M. DesRosiers, Ph. D.

Item 9: Facilities and Equipment.

Same as existing license.

Item 10: Radiation Safety Program

Same as existing license.

Item 11: Waste Management

Same as existing license.

As described in the letter referenced previously, prior to the reorganization which replaced Oncology Institute of Greater Lafayette with Clarian Arnett Health, a survey of the existing facility was conducted. A small container with a very small amount of radioactive contamination was discovered and returned to the vendor. No other fixed or mobile contamination was discovered. Clarian Arnett Health assumes full responsibility for any decontamination that may be discovered in the future. Records of patient treatments and surveys conducted by Oncology Institute of Greater Lafayette were found to be complete, and are now in possession of Clarian Arnett Health.