December 30, 2008

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;

A request for renewal and amendment of the referenced license was submitted in a letter sent November 21, 2008. In conversations concerning this request, we have been informed that a renewed license would include reference to letters previously sent to your office on April 6, 1998, August 3, 1998, August 26, 1998, April 20, 2003, and August 24, 2005, and that commitments made in these letters would be binding as part of our renewed license. At your suggestion, we have reviewed these letters in the form available to us, and have observed several small details which differ from the approach we would like to be committed to follow in the renewed license. We request either that the amended license explains these differences or that it includes a reference to this letter in addition to those mentioned previously.

The observed changes are as follows:

1. The April 6, 1998 letter states under Item 9.2 that "All survey instruments will be calibrated and checked in accordance with 10 CFR 35.51. Survey instruments will be calibrated by: 1. The manufacturer or 2. Medical Physics Consultants, Inc. (NRC License # 21-20153-01) or 3. Any authorized user licensed to perform survey meter calibrations as a service." In the current version of 10 CFR 35, the section discussing calibration of survey meters is 10 CFR 35.61. It uses the phrase "licensee shall calibrate." Therefore, in addition to the three entities listed above to calibrate survey instruments, it should be stated or understood that any Authorized Medical Physicist on the license may also calibrate survey instruments.

2. Paragraphs C1 and H2a of the August 3, 1998 letter state that HDR sources before and after a source exchange will be stored in the hot lab. This should be changed to indicate that sources should be stored in the hot lab or in the HDR suite.

3. Paragraph H2f of the August 3, 1998 letter reads "there is no other radiation-producing device stored in this room." Since some HDR procedures require use of a portable diagnostic x-ray machine, this statement should be changed to read "there is no other therapeutic radiation-producing device stored in this room."

4. The August 26, 1998 letter includes the statement, "To meet the exposure limits we commit to perform all HDR procedures at the far left corner of this room." This statement was evidently based on very conservative calculations of the exposure received outside the room during an HDR procedure. Measurements made at the door following a source exchange give a maximum exposure rate at the door of about 1 mR/hr, with a rate of .01 mR/hr at the console, where workers are positioned during a procedure. Even with two Mammosite patients two times per day 240 days a year, this would be less than 240 hours exposure, or less than 240 mR for a person at the door, which is less than half the ALARA Level I threshold. Exposure times for members of the public would be much less, and extended times at the door are very unlikely. It is therefore unnecessary to maintain the commitment to perform all HDR procedures at the far left corner of the room.

5. Attachment 5 of the August 3, 1998 letter includes several details that differ from current practice. However, it is our understanding that these changes do not require license amendment because of the statement in paragraph 1 of this attachment that "These operating procedures may be revised updated without license amendment provided the changes are not less restrictive or do not degrade safety."

6. It is our understanding that more recent submissions always take precedence. For example, the April 6, 1998 letter describes at some length facilities at Home Hospital. These are superseded by the statement in the August 3, 1998 letter, "Please disregard the drawings of the Isolation Room and Hot Lab in Home Hospital ... " Similarly, the April 6, 1998 letter commits to perform HDR calibrations monthly, but this is superseded by the August 24, 2005 letter changing this commitment to quarterly frequency.

Any questions concerning these matters should be directed to Phil H. Dittmer, Radiation Safety Officer at , 765-448-7581, Cell 317-306-1620.

I look forward to receiving your response.

Sincerely,

Phil N. Dittmer

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

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