



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

May 15, 2009

DMS Health Technologies
ATTN: Mary Hennings-Frank
Radiation Safety Officer
109 South Petro Avenue
Sioux Falls, South Dakota 57107

SUBJECT: LICENSE AMENDMENT

Please find enclosed Amendment No. 23 to NRC License No. 40-32477-01 **naming Orvar T. Jonsson, M.D., as 10 CFR 35.200 authorized user, John Dahlin, M.D., as 10 CFR 35.100, 35.200 and 35.300 authorized user, and Arthur Greene, M.D., as 10 CFR 35.100 and 35.200 authorized user as requested. This amendment also updates license condition 10.D., and adds new license conditions 13, 14 and 15 to comport with current licensing guidance.**

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 you have any questions please contact me at 817-860-8189.

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.

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/reading-rm/doc-collections/enforcement/>.

An electronic version of the NRC's regulations is available on the NRC Web site at www.nrc.gov. Additional information regarding medical uses of radioactive materials may be obtained on the NRC Web site at: <http://www.nrc.gov/materials/miau/med-use-toolkit.html>. This site also provides the updated Training and Experience NRC Form 313A series of forms and guidance, as well as information on the revised regulations for naturally-occurring and accelerator-produced radioactive materials (NARM).

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 Safety Branch B

Docket: 030-36404
License: 40-32477-01
Control: 472158

Enclosure: 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 Health Technologies 2. 109 South Petro Avenue Sioux Falls, South Dakota 57107	In accordance with letters dated February 18, 2009 and February 26, 2009 3. License number 40-32477-01 is amended in its entirety to read as follows: <hr/> 4. Expiration date December 31, 2011 <hr/> 5. Docket No. 030-36404 Reference No.
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6. Byproduct, source, and/or special nuclear material A. Any byproduct material permitted by 10 CFR 35.100 B. Any byproduct material permitted by 10 CFR 35.200 C. Any byproduct material permitted by 10 CFR 31.11 D. Cesium-137	7. Chemical and/or physical form A. Any B. Any C. Prepackaged kits D. Sealed sources (Technical Operations, Inc., Model 77302)	8. Maximum amount that licensee may possess at any one time under this license A. As needed B. As needed C. As needed D. 1 source not to exceed 165 millicuries
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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.
 - C. In vitro studies.
 - D. For use in a 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 only from the licensee's facilities located at:
- (i) 109 South Petro Avenue, Sioux Falls, South Dakota,
 - (ii) 305 7th Avenue SE., Watertown, South Dakota,
 - (iii) West Highway 16, Oacoma, South Dakota (excluding Subitem 6.D.), and
 - (iv) 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 following fixed facilities located at:
- (i) 109 South Petro Avenue, Sioux Falls, South Dakota, and
 - (ii) 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:
- (i) 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 provided:
- (i) The licensee addresses all use and record keeping requirements outlined in Section 35.80 of 10 CFR Part 35, and
 - (ii) The hospital does not have a byproduct material license under Section 35.18 of 10 CFR Part 35, and,
 - (iii) The licensee has the prior written permission from the hospital's Administrator, and
 - (iv) The licensee maintains a list of all hospitals serviced.

The licensee shall maintain for inspection by the Commission copies of written permission specified in License Condition 10(D)(iii) and the list specified in License Condition 10(D)(iv).

11. The Radiation Safety Officer (RSO) for this license is Mary Hennings-Frank.
12. Licensed material is 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:

Authorized Users

Material and Use

John Dahlin, M.D.	35.100; 35.200; 35.300
W.A. Boade, M.D.	35.100; 35.200; 31.11; and Subitem 6.D.
Fred Clinton Lovrien, M.D.	35.100; 35.200; 31.11
Arliss N. Thompson, M.D.	35.100; 35.200; 31.11
Barbara June Cook, M.D.	35.100; 35.200; 31.11
Gregory D. Taylor, M.D.	35.100; 35.200; 31.11
N.H. Nitzkowski, D.O.	35.100; 35.200; 31.11
Amolak Singh, M.D.	35.100; 35.200
Leslie Soine, M.D.	35.100; 35.200
Jim Matter, M.D.	35.100; 35.200

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Authorized Users

Material and Use

Scott Swenson, M.D.	35.100; 35.200
Thomas L.H. Tam, M.D.	35.100; 35.200
Donald Douglas, M.D.	35.100; 35.200
Richard Blank, M.D.	35.100; 35.200
John Kasper, M.D.	35.100; 35.200
Mark Schneider, M.D.	35.100; 35.200
Kathleen Gosens, M.D.	35.100; 35.200
Stephen L. Towle, M.D.	35.100; 35.200
Christian M. Peterson, M.D.	35.100; 35.200
Dean K. Rigby, M.D.	35.100; 35.200
Hilton Bakker, M.D.	35.100; 35.200
William Koury, M.D.	35.100; 35.200
Steve Johnson, M.D.	35.100; 35.200
Raymondo Tan, M.D.	35.100; 35.200
James W. McGee, M.D.	35.100; 35.200
William Schwartz, M.D.	35.100; 35.200
Margaret Naylor, M.D.	35.100; 35.200
William D. Witrak, M.D.	35.100; 35.200
Michael E. Ryan, M.D.	35.100; 35.200
Ted W. Olds, M.D.	35.100; 35.200
Mark B. Klien, M.D.	35.100; 35.200
Patrick Schoenfelder, M.D.	35.100; 35.200
David G. Alexander, M.D.	35.100; 35.200
Russel E. Reichter, M.D.	35.100; 35.200
Bruce J. Derauf, M.D.	35.100; 35.200
Annette C. Douglas-Akirwande, M.D.	35.100; 35.200
Julie R. Gilbertson, M.D.	35.100; 35.200
Nathaniel L. Karlins, M.D.	35.100; 35.200
David G. Mickelson, M.D.	35.100; 35.200
Donald J. Stallman, M.D.	35.100; 35.200
Michael J. Weiner, M.D.	35.100; 35.200
Stephen Garrity, M.D.	35.100; 35.200
Jacob A. Goldenberg, M.D.	35.100; 35.200
Richard J. Marsden, M.D.	35.100; 35.200
Mark Ottmar, M.D.	35.100; 35.200
Corey Teigen, M.D.	35.100; 35.200
Roger Gilbertson, M.D.	35.100; 35.200
Larry S. Sidaway, M.D.	35.100; 35.200
Adams T. Stys, M.D.	35.100; 35.200
Tomasz P. Stys, M.D.	35.100; 35.200
Geoffrey R. Bodeau, M.D.	35.100; 35.200
K. John Heilman, M.D.	35.100; 35.200
Paul R. Rust, M.D.	35.100; 35.200
Paul M. Williams, D.O.	35.100; 35.200
Arthur Greene, M.D.	35.100; 35.200
Orvar T. Jonsson, M.D.	35.200
Marian S. Petrasko, M.D.	35.200

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Authorized Users

Material and Use

Jihad M. Khalil, M.D.

35.200

James Spaulding Walder, M.D.

35.200

13. For sealed sources not associated with 10 CFR Part 35 use, the following conditions apply:

- A. Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State.
- B. Notwithstanding Paragraph A of this Condition, sealed sources designed to primarily emit alpha particles shall be tested for leakage and/or contamination at intervals not to exceed 3 months.
- C. In the absence of a certificate from a transferor indicating that a leak test has been made within the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State, prior to the transfer, a sealed source received from another person shall not be put into use until tested and the test results received.
- D. Sealed sources need not be leak tested if they contain only hydrogen-3; or they contain only a radioactive gas; or the half-life of the isotope is 30 days or less; or they contain not more than 100 microcuries of beta and/or gamma emitting material or not more than 10 microcuries of alpha emitting material.
- E. Sealed sources need not be leak tested if they are in storage and are not being used. However, when they are removed from storage for use or transferred to another person, and have not been tested within the required leak test interval, they shall be tested before use or transfer. No sealed source shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.
- F. The leak test shall be capable of detecting the presence of 0.005 microcurie (185 becquerels) of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie (185 becquerels) or more of removable contamination, a report shall be filed with the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 30.50(c)(2), and the source shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. The report shall be filed within 5 days of the date the leak test result is known with the U.S. Nuclear Regulatory Commission, Region IV, 612 East Lamar Boulevard, Suite 400, Arlington, Texas 76011-4125, ATTN: Director, Division of Nuclear Materials Safety. The report shall specify the source involved, the test results, and corrective action taken.
- G. Tests for leakage and/or contamination, including leak test sample collection and analysis, shall be performed by the licensee or by other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.
- H. Records of leak test results shall be kept in units of microcuries and shall be maintained for 3 years.

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14. Sealed sources or detector cells containing licensed material shall not be opened or sources removed from source holders by the licensee.
15. The licensee shall conduct a physical inventory every six months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license.
16. 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.
17. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
18. 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 dated 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 Avenue N., Bemidji, MN and 323 S. Minnesota Street, Cookston, MN)
 - V. Letter dated September 24, 2004 (with attachments)
 - W. Letter dated October 14, 2004
 - X. Letter dated November 1, 2004
 - Y. Letter dated December 15, 2004

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- Z. Letter dated February 4, 2005 (with attachments)
- 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: May 15, 2009By: /RA/

Roberto J. Torres, Senior Health Physicist
Nuclear Materials Safety Branch B
Region IV
Arlington, Texas 76011