



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

Mike Zimmer, Ph.D.
Radiation Safety Officer
Northern Shared Medical Services
209 Limestone Pass
Cottage Grove, WI 53527

MAY 31 2009

Dear Dr. Zimmer:

Enclosed is Amendment No. 01 to your NRC Material License No. 48-32697-01 in accordance with your request. Please note that the changes made to your license are printed in bold font.

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate corrections and answers.

Please also be reminded of the provisions in 10 CFR 30.9(a), "Completeness and accuracy of information," which states in part that...(a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects (emphasis added)."

In reviewing this amendment, especially the facsimile dated March 30, 2009, containing requests for approximately 73 authorized physician users (AU's) who were asserted to be referenced on approximately 39 different NRC licenses, I encountered numerous instances where incomplete information was provided, which greatly complicated the review. Please consider the following findings, as well as the supplemental notes I made on an attached copy of the facsimile dated March 30, 2009.

If you have further questions concerning these matters please contact me at (630) 829-9841 or (800) 522-3025, ext. 9841.

In part, the facsimile dated March 30, 2009, contained the following incomplete information:

1. None of the proposed AU's medical degrees were given so I had to check each individual on the referenced license to determine which degree was appropriate, M.D. or D.O.
2. I had to verify all requested AU's as a matter of course for this review. Many of the proposed AU's names were spelled incorrectly or differently in the facsimile dated March 30, 2009, than on the referenced licenses, in that nomenclature such as suffixes ("Jr., III, etc.) and middle names and middle name initials were not included in your letter but they appeared on the referenced licenses. Examples are shown in the attached notes.

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This information is important because it is not unusual to have AU's named to licenses who have similar and nearly identical names so differentiation is critical to ensure only the correct AU's are verified in the review and named to the license.

3. In many instances, you requested the same AU's repeatedly because they happened to be named on multiple licenses. This proved very confusing. In the future please refrain from this practice as it is only necessary to designate one license which lists an AU's name in order for us to verify the AU and authorize him/her on your license.
4. I was unable to name several proposed AU's to your license because I could not verify them on the referenced license. These physicians are Jerold Wallis, Tom Miller, Barry Siegel, Medhat Osman, James Littlefield, Judith Ho, Avril Slavin, In several instances, this was because the referenced license is a Type A Broad scope license or a license that is structured like a Broad scope license, in that the names of AU's are not listed on the license document itself. Instead, the licensee's Radiation Safety Committee (RSC) is specially authorized by NRC to evaluate and approve/disapprove of AU's internally via a permit system. Proposed AU's and licenses affected by this problem are shown on the attached notes.

If you wish to pursue naming these physicians as AU's to your license please provide for each physician a letter currently signed and dated by the Chairperson of the licensee's RSC stating which modalities or types of use the physician is authorized to use and the timeframes when s/he has been authorized for such use.

Please submit appropriate, complete information for each physician, addressed to my attention and referencing control number 317975 if you wish to pursue this authorization.

Please refer to the regulatory requirements in 10 CFR 35.290, 35.57, 35.13, 35.14 and 35.59, as well as section 8.11, item 7 and Appendices B, D and E in NUREG 1556, Vol. 9, Rev. 2, for assistance in preparing your written response to demonstrate that each proposed AU's training and experience meets the appropriate regulatory requirements for the use of materials in 10 CFR 35.290.

If Forms 313a will be used in support of your response, please use the newly revised Forms found on our website at:

[http://www.nrc.gov/reading-rm/doc-collections/forms/nrc313a\(aud\).pdf](http://www.nrc.gov/reading-rm/doc-collections/forms/nrc313a(aud).pdf)

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Please do NOT submit copies of minutes from the licensee's RSC meetings or other documents from the licensee, esp. patient records, or extraneous documentation that we must protect, per 10 CFR 2.390.

Please do not submit resumes, CV's, or personal, proprietary information that we must protect, in accordance with 10 CFR 2.390, such as social security numbers, dates of birth, home addresses or phone numbers, patient records, college transcripts, etc.

- 5. In other instances, I was unable to approve the authorization of proposed AU's because they were authorized only for materials outside the scope of your licensed program. For example, James Allen is authorized on the license for Capital Regional Medical Center but only for materials in 10 CFR 35.300 and 35.400, both therapy modalities. And James Chen is authorized on the license for SSM Health Center of St. Louis but only for 10 CFR 35.400 and 35.600 (high dose rate remote afterloading brachytherapy devices only) and Garrett Hagen is on the same license but only for materials in 10 CFR 35.300.**
- 6. I also noted that several of the license numbers provided on the facsimile dated March 30, 2009, did not correlate with the names of the medical facilities provided, as shown in the attached notes. For example, Phelps County Regional Medical Center appears to be licensed as "24-16275-01." The correct license number is 24-18295-01.**
- 7. Your facsimile lists "Mahmoud Ziger" on license no. 24-12876-02 for Missouri Delta Medical Center but there is no doctor with that name listed. Please submit appropriate, complete information for this physician and his training and experience, addressed to my attention and referencing control number 317975, if you wish to pursue this authorization.**
- 8. Also in several instances, the proposed AU requested was not listed on the most recent and current version of the license referenced. However, the AU was found to be listed on a previous amendment for the same licensee by researching the license's history, a very time-consuming process. It is always best to provide a copy of the license amendment explicitly showing the proposed AU's name listed or, in the alternative, provide the licensee's name, license number and the amendment number that lists your proposed AU, so we can readily verify the physician's license.**
- 9. "Mark Wittty" was requested as an AU, based upon license no. 24-00794-03, which is incorrect, as this license is for St. Louis University, a Broad scope license. The institution for "Mark Wittty" is Ozarks Medical Center, which has license no. 24-18733-01. I checked this license from the current amendment No.**

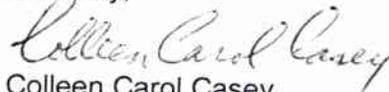
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35 back to Amendment No. 21, dated April 11, 2002, and did not find anyone named "Mark Witty" or a related name. Therefore I was unable to approve this AU. It also appears that the spelling of the last name may be incorrect.

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 Publicly Available Records (PARS) component of NRC's document system (ADAMS). The NRC's document system is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in the General Statement of Policy and Procedure for NRC Enforcement Actions. Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

Sincerely,



Colleen Carol Casey
Materials Licensing Branch

License No. 48-32697-01
Docket No. 030-37826

Enclosures:

1. Amendment No. 01
2. 3/30/09 fax and notes