



109 South Petro Avenue
Sioux Falls, SD 57107
Phone: 605.330.9060
Toll Free: 800.437.4628
Fax: 877.595.8108
www.DMSHealthTechnologies.com

May 11, 2009

RECEIVED

MAY 15 2009

DNMS

Nuclear Regulatory Commission
Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-8064

RE: RAM license number 40-32477-01

To Whom It May Concern:

We wish to amend our Radioactive Materials License number 40-32477-01 to add Michelle White as the primary Radiation Safety Officer under condition 11 of our RAM license. We would also like to keep Mary Hennings-Frank as an Alternate Radiation Safety Officer if possible since we operate in multiple states.

Michelle White was the RSO on our RAM license Amendment 17 (enclosed) until Mary Hennings-Frank came on board. Now that we are restructuring our operations, we find it necessary to have two Radiation Safety Officers. Michelle White has been dealing with regulations on a daily basis as a Compliance Auditor for the past year and a half. Her job description is enclosed for your viewing.

We are in a time crunch and would appreciate any help in expediting this request.

Thank you for your help and please feel free to contact me for additional questions at 605-357-2604.

Sincerely,

A handwritten signature in black ink that reads 'Mary Hennings-Frank'. The signature is fluid and cursive, with the first name 'Mary' being particularly prominent.

Mary Hennings-Frank, B.S., CNMT
Corporate Radiation Safety Officer
DMS Health Technologies, Inc.

Enclosure:

RAM license number 40-32477-01 amendment 17
Radiation Compliance Officers job description



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

August 22, 2007

DMS Imaging, Inc.
ATTN: Michelle White
Corporate Radiation Safety Officer
109 South Petro Avenue
Sioux Falls, South Dakota 57107

SUBJECT: LICENSE AMENDMENT

Please find enclosed Amendment No. 17 of License No. 40-32477-01, **authorizing Ms. Michelle White as the Radiation Safety Officer**. 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 this license carefully and be sure that you understand all conditions. If you have any questions, please contact me at 817-276-6552.

The NRC medical list server has been set up. The list server will send automatic e-mail notifications of medical-related generic communications, Federal Register Notices, and NMSS/FSME newsletters as they are published. Anyone may subscribe/unsubscribe to the new medical list server by sending an e-mail to medical-gc@nrc.gov with "Subscribe" or "Unsubscribe" in the subject line.

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. 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.

In addition, please note that NRC Form 313 requires the applicant, by signature, to verify that the applicant understands that all statements contained in the application are true and correct to the best of the applicant's knowledge. The signatory for the application should be the licensee or certifying official rather than a consultant. Since the NRC also accepts a letter requesting amendment of an NRC license, the signatory for such a request should also be the licensee or certifying official rather than a consultant.

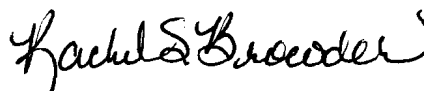
NRC will periodically inspect your radiation safety program. Failure to conduct your program according to NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC may result in enforcement action against you. This could include 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/what-we-do/regulatory/enforcement/enforc-pol.pdf>.

The NRC no longer publishes the NRC Rules and Regulations loose leaf supplements. However, 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.

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,



Rachel S. Browder, Health Physicist
Nuclear Materials Licensing Branch

Docket: 030-36404
License: 40-32477-01
Control: 471465

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 Imaging, Inc. 2. 109 South Petro Avenue Sioux Falls, South Dakota 57107	In accordance with letter dated August 10, 2007 3. License number 40-32477-01 is amended In its entirety to read as follows: 4. Expiration date December 31, 2011 5. Docket No. 030-36404 Reference No.	
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 77322)	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
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 (excluding xenon-133). C. <u>In vitro</u> studies. D. For use in 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 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.).

MATERIALS LICENSE SUPPLEMENTARY SHEET

License Number
40-32477-01

Docket or Reference Number
030-36404

Amendment No. 17

- B. Licensed material, excluding generators, may be received by licensee personnel only, used, and stored at the 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.
11. The Radiation Safety Officer (RSO) for this license is Michelle White.
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

Leslie Soine, M.D.	35.100; 35.200
Jim Matter, M.D.	35.100; 35.200
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 Schwartau, M.D.	35.100; 35.200
Margaret Naylor, M.D.	35.100; 35.200
William D. Witrak, M.D.	35.100; 35.200

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

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Amendment No. 17

Authorized UsersMaterial and Use

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
W.A. Boade, M.D.	35.100; 35.200; 31.11; and Subitem 6.D.
Bert W. Larson, M.D.	35.100; 35.200; 31.11
Frank M. Grund, M.D.	35.100; 35.200; 31.11
Fred Clinton Lovrien, M.D.	35.100; 35.200; 31.11
Arliss N. Thompson, M.D.	35.100; 35.200; 31.11
Larry S. Sidaway, M.D.	35.100; 35.200
Barbara June Cook, M.D.	35.100; 35.200; 31.11
Adams T. Stys, M.D.	35.100; 35.200
David C. Hickey, 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
Marian S. Petrasko, M.D.	35.200
Jihad M. Khalil, M.D.	35.200
Geoffrey R. Bodeau, M.D.	35.100; 35.200
Tomasz P. Stys, M.D.	35.100; 35.200
K. John Heilman, M.D.	35.100; 35.200
James Spaulding Walder, M.D.	35.200
Paul R. Rust, M.D.	35.100; 35.200

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
40-32477-01Docket or Reference Number
030-36404

Amendment No. 17

13. The licensee is authorized to transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
14. 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.
15. 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 received 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 Ave. N., Bemidji, MN and 323 S. Minnesota Street, Cookston, MN)
 - V. September 24, 2004 (with attachments)
 - W. Letter dated October 14, 2004
 - X. Letter dated November 1, 2004
 - Y. Letter dated December 15, 2004
 - Z. Letter dated February 4, 2005 (with attachments)

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
40-32477-01Docket or Reference Number
030-36404

Amendment No. 17

- 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: August 22, 2007By: Rachel S. Browder

Rachel S. Browder, Health Physicist
Nuclear Materials Licensing Branch
Region IV
Arlington, Texas 76011

DMS Health Technologies

Job Description

Job Title: Compliance Auditor
Division: DMS Health Technologies
Department: Regulatory
Reports To: Radiation Safety Officer
FLSA Status: Exempt
Prepared: 2/2009

Summary

The Compliance Auditor will audit work activities to verify compliance with policies, procedures, and regulations by performing the following duties.

Essential Duties and Responsibilities

The Compliance Auditor observes employees performing normal work activities, including operating company property and documenting required information. The incumbent reviews required records for completion and accuracy and ensures all mandated postings and manuals are kept current. The compliance auditor analyzes and documents the performance as evidence of compliance or non-compliance with laws, government regulations, and organizational policies or procedures. In completing the process, the auditor prepares and submits audit findings and makes recommendations to appropriate leadership staff.

The Compliance Auditor performs daily, weekly, monthly, quarterly, and annual inspections, quality control tests and inventories on nuclear medicine and PET scanners and hot labs as appropriate. This position is also responsible for radioactive source exchanges on nuclear medicine and PETCT scanners as required by law and organizational policy. The compliance auditor will assist the Radiation Safety Officer in closing out licensed sites and coaches and preparing for new sites.

The Compliance Auditor assists the Radiation Safety Officer with the film badge program for all employees required to be badged. This includes, but is not limited to distributing badges, monitoring radiation levels and reporting results to employees.

The Compliance Auditor will assist the Radiation Safety Officer with training of glucose testing as required under the DMS CLIA waiver. Competency will be evaluated during compliance audits.

The Compliance Auditor will assist the Radiation Safety Officer with the implementation of the Radiation Safety Program. The compliance auditor will assist with staff training and will report unsafe conditions to the Radiation Safety Officer.

The Compliance Auditor assists in the development and implementation of policies and procedures throughout the DMS Health Technologies. This may include reviewing previous audit data and incorporating recommendations and observations into policies or training examples.

The incumbent demonstrates commitment to customer satisfaction and quality as exhibited by internal and external customer feedback. This includes timely completion of mandatory education and current credentials.

The incumbent is in compliance with safety and quality procedures and initiatives by strictly following safety policies, rules and safe work methods, making suggestions to support continuous improvements in safety, promptly correcting or reporting safety hazards or unsafe conditions, promptly reporting injuries for timely diagnoses and medical treatment, and by participating in safety processes such as safety committee, safety inspections, etc.

The incumbent complies with DMS policies, local, state and federal regulations and laws related to work duties and responsibilities.

In an effort to promote professional growth to its employees and the organization, DMS may alter job duties, responsibilities and projects in the course of employment.

Supervisory Responsibilities

This job has no supervisory responsibilities.

Competencies

To perform the job successfully, an individual should demonstrate the following competencies:

Live Our Values

Employees at all levels of the DMS Health Technologies must represent our values, in their daily decisions and actions.

Create Trust and Credibility Through Effective Communication

Our best employees treat others with respect and consideration regardless of their status or position. They possess effective written and oral communication skills including the ability to listen and understand complex issues. They build rapport and credibility with our customers by accepting responsibility for their actions and following through on commitments.

Deliver Results Through a Team Driven Environment

The success of the DMS Health Technologies and each employee depends on our ability to consistently work in a positive and cooperative manner with internal and external customers. Our best employees always demonstrate an ability to respond to changing situations in a flexible manner, seek out opportunities to help others and consider the impact of their decisions and actions on their internal and external customers.

Qualifications

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Education and/or Experience

Bachelor's degree or one to two years related experience and/or training; or equivalent

combination of education and experience.

Computer Skills

The individual should have the ability to access job related internet websites, review on-line documentation and knowledge of Microsoft Office Suite.

Certificates, Licenses, Registrations, Testing

CNMT or ARRT

Physical Demands

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to stand, walk, sit and talk or hear; use hands to finger, handle, or feel; reach with hands and arms. The employee is frequently required to stoop, kneel, crouch, or crawl. The employee is occasionally required to climb or balance. The employee must occasionally lift and/or move up to 10 pounds.

This position will be required to travel approximately 50% of the time.

Work Environment

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The noise level in the work environment is usually quiet.

ACCEPTANCE REVIEW MEMO (ARM)

Licensee: DMS Health Technologies

License No.: 40-32477-01

Docket No.: 030-36404

Mail Control No.: 472255

Type of Action: Amendment

Date of Requested Action: 5/11/09

Reviewer
Assigned:

ARM reviewer(s): Torres

Response	Deficiencies Noted During Acceptance Review
	<ul style="list-style-type: none"><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: _____

- ☐ Yes ☐ No Request for unrestricted release Group 2 or >. Consult with Bravo Branch.
- ☐ Yes ☐ No Termination request < 90 days from date of expiration
- ☐ Yes ☐ No Expedite (medical emergency, no RSO, location of use/storage not on license, RAM in possession not on license, other)
- ☐ Yes ☐ 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 [suite #, bldg. #, location different from mailing address] (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

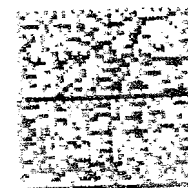
Branch Chief's and/or HP's Initials: RTT

Date: 5-20-09



TECHNOLOGIES

ue • Sioux Falls, SD 57107



11/15/12

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US POSTAGE

015H165-0190

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U.S. Nuclear Regulatory Commission
Region IV
612 E. Lamar Blvd, Suite 400
Arlington, TX 76011-4125

472255

5-27-09

DATE

This is to acknowledge the receipt of your letter/application dated 5-11-09, 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 other 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 472255.
When calling to inquire about this action, please refer to this mail control number.
You may call me at 817-860-8103.

Sincerely,

Colleen Murnahan

Licensing Assistant

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:      (FOR LFMS USE)
:      INFORMATION FROM LTS
:      -----
:
:      Program Code: 02220
:      Status Code: 0
:      Fee Category: 7C
:      Exp. Date: 20111231
:      Fee Comments:
:      Decom Fin Assur Req'd: N
:
:      .....

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: Program Code: 02220
: Status Code: 0
: Fee Category: 7C
: Exp. Date: 20111231
: Fee Comments:
: Decom Fin Assur Read: N

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A. REGION

- Applicant/Licensee: DMS HEALTH TECHNOLOGIES
Received Date: 20090515
Docket No: 3036404
Control No.: 472255
License No.: 40-32477-01
Action Type: Amendment

- Amount: _____
Check No.: _____

- ### 3. COMMENTS

Signed Coleen Murnahan
Date 5-18-09

- B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered / /)

1. Fee Category and Amount:

2. Correct Fee Paid. Application may be processed for:

Amendment	_____
Renewal	_____
License	_____

3. OTHER _____

Signed _____
Date _____