



Official Use Only – Security-Related Information

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

MAR 15 2010

Nanci A Burchell
Radiation Safety Officer
Children's Mercy Hospital
2401 Gillham Road
Kansas City, MO 64108-9898

Dear Ms. Buchell:

Enclosed is Amendment No. 39 to your NRC Material License No. 24-15513-01 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.

Provide a specific possession limit for materials in 10 CFR 35.300. Please submit a written response, within 30 days of the date of this letter, specifying a possession limit for materials in 10 CFR 35.300. Address your written response to my attention and refer to it as "additional information to control number 318692." If you cannot respond with 30 days of the date of this letter, please contact me at 630-829-9752 to make alternative response arrangements. Your possession limit should be realistic for your needs and include waste stream activities as well. Many licensees typically request one curie (or less) for this purpose.

At this time we were unable to accept your letters dated February 3, 2010, and February 12, 2010, to consider for amendments to your NRC license because these letters were signed by your consultant, Marcia R. West.

Please be reminded that 10 CFR 35.12(a) requires that "(a) An application must be signed by the applicant's or licensee's management."

In addition, Ms. West's signature on these letters is virtually illegible. Please ensure that all correspondence to us in the future is signed by an appropriate senior management official and is signed legibly, to help us protect the integrity of your license.

If you wish to pursue the changes requested in these letters, please also submit the information requested below, in writing, addressed to my attention, and refer to it as "additional information to control number 318692." We will then continue our review.

The enclosed document contains sensitive security-related information.
When separated from this cover letter this letter is uncontrolled.

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Since your letters dated February 3, 2010, and February 12, 2010, were unacceptable, we conducted only a very limited review of them and it does not appear that, even if they had been signed appropriately, we would have been able to amend your license and approve your requests.

Specifically, we would not have been able to approve Dr. Kristen A. Fickenscher as an Authorized User (AU) for medical use because the information in your letter dated February 3, 2010, was insufficient to complete our review.

Dr. Fickenscher was not approved as an AU for the use of materials in 10 CFR 35.100 and 35.200 because the specialty board certification she submitted is not recognized by NRC and we were unable to verify her preceptor's qualifications.

Dr. Fickenscher's certification is not recognized by NRC, as determined by checking our website at:

<http://www.nrc.gov/materials/miau/med-use-toolkit/spec-board-cert.html>

In addition, Dr. Fickenscher's preceptor, Dr. Amolak Singh, references the University of Missouri-Columbia license, 24-00513-32, as the venue for Dr. Fickenscher's training and experience. This is a broad scope license, i.e., it does not name AU's on its license document directly; rather, its Radiation Safety Committee (RSC) evaluates and approves/disapproves of AU's internally. Therefore, we are unable to verify Dr. Singh as an appropriate preceptor for Dr. Fickenscher.

Please submit a letter, currently signed and dated by the Chair of the RSC for the University of Missouri-Columbia broad scope license referenced, which states which modalities Dr. Singh was authorized for under the license and specifying which timeframes s/he held said authorization.

However, please be reminded that this information alone will not be sufficient to approve Dr. Fickenscher as an AU because NRC does not recognize her specialty board certification either.

Please refer to the regulatory requirements in 10 CFR 35.190 and 35.290, 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 response.

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If Forms 313a will be used in support of your response, please use the 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)

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

The following links may be useful as they include the revised Forms 313a Series as well as Guidance for the completion of the forms:

<http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2006/ri200627.pdf>

<http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2006/ri200627sup1.pdf>

In addition, you may find the guidance in RIS 2003-17 helpful, found at this link on our website:

<http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2003/ri200317.pdf>

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.

We also can not approve your request dated February 12, 2010, to release, for unrestricted use, the pharmacology research lab. In order for us to consider your request, please provide:

- a. Clarification of the date the survey was performed and the date when licensed materials were no longer used in this area;
- b. The background measurement for the instrument used for wipe test surveys and the efficiency or correction factor for both the instruments used for exposure rate measurements and for wipe test surveys;

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- c. **The action levels for both exposure rate measurements and wipe tests; Include the identity of areas exceeding these levels, corrective actions taken and the results of corrective actions taken;**
- d. **The identity of the person who performed these surveys; again, the signatory on the surveys is completely illegible and therefore unacceptable;**
- e. **An explanation of the data on the last two pages of your letter dated February 12, 2010. As presented, this information is superfluous as it lacks definition, meaning and characterization.**
- f. **Please confirm that each of these former locations of use are still under your control, as they have not been released for unrestricted use from your license yet.**

Please also be reminded of the provisions in 10 CFR 30.9(a), “Completeness and accuracy of information,”...(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.“

As a reminder, all documentation sent to the NRC must include the signature, title of the person providing the documentation along with the date submitted.

NRC’s Regulatory Issue Summary (RIS) 2005-31 provides criteria to identify security-related sensitive information and guidance for handling and marking of such documents. This ensures that potentially sensitive information is not made publicly available through ADAMS, the NRC’s electronic document system.

Pursuant to NRC’s RIS 2005-31 and in accordance with 10 CFR 2.390, the enclosed license document is exempt from public disclosure because its disclosure to unauthorized individuals could present a security vulnerability.

The RIS may be located on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/ri200531.pdf> and the link for frequently asked questions regarding protection of security related sensitive information may be located at: <http://www.nrc.gov/reading-rm/sensitive-info/faq.html>.

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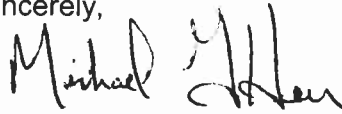
A copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). The NRC's document system is accessible from

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,



Michael G. Herr, CHP
Materials Licensing Branch

License No. 24-15513-01
Docket No. 030-09259

Enclosure:

Amendment No. 39