

**MATERIALS LICENSING BRANCH
UNITED STATES NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE ROAD STE 210
LISLE, ILLINOIS 60532-4352
OFFICE: (630)-829-9892 FAX: (630) 515-1078

CONVERSATION RECORD

|TIME

|DATE

ACTUALLY FAXED?

YES.

05/06/2010

NAME OF PERSON(S) CONTACTED

John Kerstiens, CFO

ORGANIZATION

Midwest Proton Radiotherapy Institute

TELEPHONE NO.

O: 812-349-5028

F: 812-349-5130

SUBJECT

License No.: pending 13-32785-01

Control No.: 318883

SUMMARY

We have reviewed your new license application dated February 23, 2010, for a byproduct materials license and find that we need additional information as follows:

1. For the adjacent areas where PET radionuclides are utilized, please provide documentation that the limits specified in 10 CFR 20.1301 will not be exceeded, i.e. shielding calculations, survey measurements, etc.
2. Please confirm if 10 CFR 35.100 or 35.200 byproduct materials other than those used in PET studies will be utilized, i.e. Tc-99m for bone scans or cardiac studies. If yes, please reference NUREG 1556, Vol. 9, Rev. 1, Item 9, Facility Diagram, and provide a diagram of the use areas.

We will be unable to continue processing your request until we receive this information. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this correspondence will be available electronically 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>.

ACTION REQUIRED

Please **facsimile a signed written response** within 10-days, or contact me to arrange an alternate response date. **Facsimile number is (630) 515-1078**. Be sure to reference control number 318883 to facilitate correct processing of your response.

If we do not receive a written response within 10-days, please note that we may void this request in order to enable you to prepare a quality response without time constraints. This would be done without prejudice to the resubmission of your request at a later date. Upon receipt of your response we will resume our review. Address your written response to my attention at the above address.

Upon receipt of your response we will resume our review.

PLEASE DIRECT ANY QUESTIONS YOU MAY HAVE TO ME AT (630) 829-9892

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Jose Macatangay

Jose Macatangay *05/06/2010*
H 5/26/10