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

AUG 31 2010

Alvis E. Foster, Ph.D.
Radiation Safety Officer
Ball Memorial Hospital
2401 W. University Avenue
Muncie, IN 47303

Dear Dr. Foster:

Enclosed is Amendment No. 89 to your NRC Material License No. 13-00951-03 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.

In correspondence dated July 28, 2010, you indicated that you wished to release the address of use listed in Condition No. 10.B. at 1399 North Baldwin Avenue, Marion, Indiana for unrestricted use.

The NRC staff has reviewed your final status surveys. Based on its review, the staff has concluded that all licensable radioactive material has been removed from your former address of use and residual radioactive material attributable to licensed activities does not exceed current NRC criteria. Based on these conclusions no further remediation or actions with respect to NRC regulated material is required for this address of use and it is suitable for unrestricted use.

Please note that, at this time, we were unable to approve of your request to name Jared Weatherford, M.S. as an Authorized Medical Physicist. This is because the information in your letter dated May 26, 2010, was insufficient to complete our review.

If you wish to pursue this request, please submit the following information in a written response, addressed to my attention, as "additional information to control number 572922." This will help to facilitate proper handling in our offices and we will then continue our review.

Please submit a copy of Mr. Weatherford's master's degree diploma to verify that his training and experience comply with the "Recentness of training" requirements in 10 CFR 35.59.

We were unable to verify Mr. Weatherford's preceptor's qualifications because the preceptor references what appears to be a license issued to Barrett Cancer Center and University Hospital in Cincinnati, Ohio, an Agreement State license (that we do not have access to) that could also be a broad scope license, i.e., it does not name AU's on its license document directly; rather, its Radiation Safety Committee evaluates and approves/disapproves of AU's internally.

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

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Please submit a copy of the Agreement State License for Barrett Cancer Center and University Hospital in Cincinnati, Ohio and, if appropriate, please also submit a letter currently signed and dated by the Chair of the Radiation Safety Committee stating which authorizations Howard Elson, Ph.D. has under the license and which timeframes he held said authorization.

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

Please refer to the following excerpt from NUREG 1556, Vol. 9, Rev. 2, Appendix D, "Documentation of Training and Experience to Identify Individuals on a License as Authorized User, Radiation Safety Officer, Authorized Medical Physicist, or Authorized Nuclear Pharmacist," Section V., paragraph two, on page D-3:

"To identify an Agreement State license, provide a copy of the license. To identify a Master Materials License permit, provide a copy of the permit. To identify an individual (i.e., supervising individual or preceptor) who is authorized under a broad-scope license or broad-scope permit of a Master Materials License, provide a copy of the permit issued by the broad-scope licensee/permittee. Alternatively, provide a statement signed by the Radiation Safety Officer or chairperson of the Radiation Safety Committee similar to the following:

"_____ (name of supervising individual or preceptor) is authorized under _____ (name of licensee/permittee) broad-scope license number _____ to use _____ (materials) during _____ (time frame)."

Please note that the letter requested above should be appropriately signed and currently dated by the Radiation Safety Officer or chairperson of the Radiation Safety Committee.

Please refer to the above regulatory requirements 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.

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.

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."

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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>.

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).

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

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.

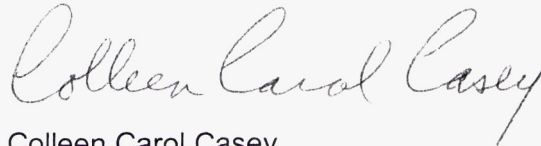
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Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

Sincerely,

A handwritten signature in cursive script that reads "Colleen Carol Casey".

Colleen Carol Casey
Materials Licensing Branch

License No. 13-00951-03

Docket No. 030-01586

Enclosure:

Amendment No. 89

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