



Mercy Memorial
Medical Center Inc.

HERE FOR YOUR HEALTH

United States
Nuclear Regulatory Commission
Region III
ATTN: Administrator
799 Roosevelt Road
Glen Ellyn, IL 60137

November 5, 1990

Gentlemen:

This is in response to your letter dated November 2, 1990 citing the apparent violation of 10 CFR 30.35 under our teletherapy license number 21-04177-02.

My records indicate that on November 15, 1989 our teletherapy license was amended under condition 15 making this institution exempt from the decommissioning financial assurance requirements as provided in to 10 CFR 30.35. I am enclosing the amendment for your review. Should you need further assistance in this matter please contact me at (616) 983-883P.

Sincerely,

Roy Taylor
Radiological Physicist

H. David Claus
Administrative Vice President

Enclosure: License Amendment

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

NOV 15 1989

Mercy-Memorial Medical Center, Inc.
Radiation Oncology Department
ATTN: H. David Claus
President
960 Agard Street
Benton Harbor, MI 49022

Gentlemen:

Enclosed is Amendment No. 13 renewing your NRC License No. 21-04177-02 in accordance with your request.

Pursuant to a telephone conversation between Mary Lorek of your institution and myself, on October 26, 1989, it was determined that the authorized users on your teletherapy license will be Anwar Ahmad, M.D., and Muhammad Iqbal, M.D. Also, Ms. Lorek indicated that your Teletherapy Physicist is William G. Van de Riet, Ph.D. License Condition 12. identifies the above individuals.

The operating procedures which accompanied your April 28, 1989 letter did not describe monthly safety spot-checks. Please be aware that Section 35.634(d) requires that a teletherapy licensee perform specific safety spot-checks once in each calendar month in order to assure proper operation of the teletherapy unit. Also, note that Section 35.634(f) describes the type of information that must be recorded when performing safety spot-checks.

You should note that 10 CFR Part 35 was revised in April of 1987. Specifically, Section 35.620 describes the requirement for the possession of survey instruments for teletherapy licensees, i.e., a radiation detection survey instrument with a usable range of 0.1 millirem per hour to 100 millirem per hour or a radiation measurement survey instrument with a usable range of 1 millirem per hour to 1,000 millirem per hour. You should also review Part 35 for record keeping requirements. The majority of records which are generated in Part 35 must be maintained for 3 years, not 2 years as indicated in the teletherapy Regulatory Guide.

Finally, please note the addition of License Condition Numbers 14., 15. and 16. License Condition 14. specifies who may calibrate your survey meters. If someone other than a licensed firm will calibrate your survey instruments, you must amend your license and submit to us a copy of their procedures. License Condition 15. was added in order to exempt you from the decommissioning financial assurance requirements as provided in 10 CFR 30.35, for the purpose of source changes only. However, this does not relieve you of record keeping requirements relative to information which the Commission considers important to decommissioning. Therefore, we have added License Condition No. 16 requiring that you maintain such records as set forth in Section 30.35(g).

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License number

21-04177-02

Docket or Reference number

030-09892

Amendment No. 13

Pursuant to 10 CFR Part 40, "Domestic Licensing of Source Material", the licensee is authorized to possess, use, transfer, and import up to 999 kilograms of uranium contained as shielding material in the teletherapy units authorized by this license.

14. The licensee's survey instruments shall be calibrated by the manufacturer of the instrument(s), or a commercial firm licensed by the NRC or an Agreement to perform survey meter calibrations.
15. The licensee is exempted from decommissioning financial assurance requirements for possession of licensed material in sealed sources in quantities greater than the limits of 10 CFR 30.35(d) for the purpose of source changes only. This exemption is granted for no more than 30 days for any one source change.
16. The licensee shall maintain records of information important to safe and effective decommissioning at Department of Radiation Oncology, 960 Agard Street, Benton Harbor, Michigan per the provisions of 10 CFR 30.35(g) until this license is terminated by the Commission.
17. Pursuant to Section 20.105(a) of 10 CFR Part 20, and in reliance on statements, procedures and representations made by the licensee in letter dated November 29, 1985, the following maximum radiation levels are hereby authorized in the following unrestricted areas:

Maximum Radiation Level

8 mR/hr

Unrestricted AreaNorth wall adjoining
film file room

18. This license is based on the licensee's statements and representations listed below:
 - A. Letters dated November 7, 1983 (with enclosures), April 11, 1984, November 29, 1985, and January 14, 1986; and
 - B. Letter received May 15, 1989; and
 - C. ALARA Program dated February 25, 1981 (submitted in regard to License Number 21-04177-01).

For the U.S. Nuclear Regulatory Commission

Date: November 15, 1989

Original Signed
By Cassandra Frazier
Materials Licensing Section, Region III
COPY