



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

May 19, 2006

Sioux Valley Hospital
dba Sioux Valley Hospital
University of South Dakota Medical Center
ATTN: Ronald E. Terry
Vice President
P.O. Box 5039
Sioux Falls, South Dakota 57117-5039

SUBJECT: LICENSE AMENDMENT

Please find enclosed Amendment No. 65 to NRC License No. 40-12378-01, **authorizing the new hot lab, as requested in letters dated, March 31, May 4, and May 17, 2006. It is NRC's understanding that only short lived (i.e., < 120 day half-life) radioactive materials were used in the hot lab and that calcium-45 was never possessed at your facility. Please recognize that the regulations in 10 CFR 30.36 (g) may require you to submit a decommissioning plan if the procedures and activities necessary to decommission an area have not been previously approved by the NRC and the procedures would involve techniques not applied routinely during cleanup operations. Activities such as remediation, dismantling of walls, and re-moving sinks and piping are considered non-routine operations which require a decommissioning plan or procedures that have to be approved by the NRC. However, since the radioactive materials used in the old hot lab were less than 120 day half-life, these requirements are categorically excluded under 10 CFR 51.22(c)(20)(i). Additionally, you may want to consider requesting an amendment to remove calcium-45 from your license, since no principal activities have been conducted with this isotope for a period of 24 months. Please maintain all survey records as documentation of your decommissioning activities, including those for the temporary hot lab, for that time in the future when the entire facility may be released for unrestricted use. Your survey records should be made available as part of the historical site assessment at that time.**

We can not authorize the strontium-82 or -85, nor rubidium-82 because they are not reactor produced by-product materials. However, under the new Energy Policy Act of 2005, which was effective August 8, 2005, the materials will be regulated by the NRC. The NRC published waivers on August 31, 2005, to allow states to continue to regulate the effected materials, as well as persons engaged in those activities. The waivers are effective until August 7, 2009; however, they may be terminated sooner when the NRC regulations become effective. It is anticipated that when the NRC regulations become effective, a proposed license amendment should be submitted within 6 months from the effective date or waiver termination. Additional information may be located in the December 2005 NMSS Quarterly Newsletter, which may be located on the NRC website at: <http://www.nrc.gov/materials/miau/med-use-toolkit.html>.

Additionally, Item 8.I. was modified to reduce the possession limit for iridium-192 to quantities below the International Atomic Energy Agency's Category 2 amounts for radioactive material, which would have otherwise initiated NRC's increased control requirements. Please remember that you have to notify the NRC if you ever intend to possess quantities of radioactive materials requiring increased controls and that such controls will have to be implemented prior to authorizing the increased possession amounts on your license.

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 the enclosed document carefully and be sure that you understand all conditions. If you have any questions please contact me at 817-276-6552.

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 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 due to budget constraints. However, an electronic version of the NRC's regulations is available on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. Additionally, NUREG-1556 program-specific guidance for materials licenses is available on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/>.

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 RIS may be located on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/> and the link for frequently asked questions may be located at: <http://www.nrc.gov/reading-rm/sensitive-info/faq.html>. Pursuant to NRC's RIS 2005-31, the enclosed materials license will not be made publicly available.

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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,

/RA/

Rachel S. Browder, Health Physicist
Nuclear Materials Licensing Branch

Docket: 030-03249
License: 40-12378-01
Control: 470952 and 40985

Enclosure: As stated