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

November 14, 2006

St. Vincent Healthcare
ATTN: Christopher K. Fitz
Radiation Safety Officer
P. O. Box 35200
Billings, Montana 59107-5200

SUBJECT: LICENSE AMENDMENT

Please find enclosed Amendment No. 70 to License No. 25-07553-01 **naming Christopher K. Fitz as Radiation Safety Officer.** 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 this license carefully and be sure that you understand all conditions. If you have any questions, you may contact me at 817-860-8189.

**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 NRC's electronic document repository (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/. Pursuant to NRC's RIS 2005-31, the enclosed materials license will be made publicly available.**

NRC expects licensees to conduct their programs with meticulous attention to detail and a high standard of compliance. Because of the serious consequences to employees and the public that can result from failure to comply with NRC requirements, you must conduct your radiation safety program according to the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate by NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspection and Investigations," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.

2. Notify NRC in writing of any change in mailing address.

3. By 10 CFR 30.36(d) and/or license condition, notify NRC, promptly, in writing, and request termination of the license:

    a. When you decide to terminate all activities involving materials authorized under the license whether at the entire site or any separate building or outdoor area; or

    b. If you decide not to acquire or possess and use authorized material; or

    c. When no principal activities under the license have been conducted for a period of 24 months.

4. In accordance with 10 CFR 35.14, notify the NRC no later than 30 days after:

   a. The date that the licensee permits an individual to work as an authorized user, an authorized nuclear pharmacist or an authorized medical physicist under 10 CFR 35.13(b)(1) through (b)(4);

   b. An authorized user, an authorized nuclear pharmacist, a Radiation Safety Officer, or an authorized medical physicist permanently discontinues duties under the license or has a name change;

   c. The licensee's mailing address changes;

   d. The licensee's name changes, but the name change does not constitute a transfer of control of the license as described in 10 CFR 30.34(b); or

   e. The licensee has added to or changed the areas of use identified in the application or on the license where byproduct material is used in accordance with either 35.100 or 35.200.

5. Request and obtain a license amendment before you:

   a. Change Radiation Safety Officers;

   b. Order byproduct material in excess of the amount, radionuclide or form authorized on the license;

   c. Add or change the areas or address(es) of use identified in the license application or on the license, except for areas of use where byproduct material is used only in accordance with either 10 CFR 35.100 or 35.200; or

   d. Change the name or ownership of your organization.

6. Submit a complete renewal application or termination request at least 30 days before the expiration date on your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of radioactive material after your license expires is a violation of NRC regulations.

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 or renewal 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 "NRC Enforcement Policy".

The NRC no longer publishes the NRC Rules and Regulations loose leaf supplements. However, an electronic version of the NRC's regulations is available on the NRC Web site at www.nrc.gov. To view these regulations, highlight "Electronic Reading Room" and choose "Regulations" on the drop down menu. An electronic version of the NUREG-1556 Series publications is also available on the NRC Web site. To view these guidance documents, highlight "Electronic Reading Room"; choose "All Document Types" on the drop down menu; scroll down to "NUREG-Series Publications"; and select "Publications Prepared by the NRC Staff". Then, choose "NUREG-1556" from the table and select the appropriate volume(s) for your license type.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure 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/**

Roberto J. Torres, Senior Health Physicist
Nuclear Materials Licensing Branch

Docket: 030-02396
License: 25-07553-01
Control: 471138

Enclosure: As stated

Amendment No. 70

# MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

| Licensee | In accordance with letter and facsimile dated October 5, 2006 and October 17, 2006, respectively |
|---|---|
| 1. St. Vincent Healthcare | 3. License number 25-07553-01 is amended in its entirety to read as follows: |
| 2. P.O. Box 35200<br>Billings, Montana 59107-5200 | 4. Expiration date April 30, 2015 |
| | 5. Docket No. 030-02396<br>Reference No. |

| 6. Byproduct, source, and/or special nuclear material | 7. Chemical and/or physical form | 8. Maximum amount that licensee may possess at any one time under this license |
|---|---|---|
| A. Any byproduct material permitted by 10 CFR 35.100 | A. Any | A. As needed |
| B. Any byproduct material permitted by 10 CFR 35.200 | B. Any | B. As needed |
| C. Any byproduct material permitted by 10 CFR 35.300 | C. Any | C. 500 millicuries |
| D. Any byproduct material permitted by 10 CFR 35.400 | D. Sealed Sources (3M Model Nos. 6500, 6501, 6502, 6503, and 6504) | D. 600 millicuries |
| E. Any byproduct material permitted by 10 CFR 31.11 | E. Prepackaged Kits | E. 10 millicuries |
| F. Iodine-125 permitted by 10 CFR 35.1000 | F. Liquid as Proxima Therapeutics, Inc. Iotrex™ | F. 5 curies |
| G. Strontium-90 permitted by 10 CFR 35.400 | G. Sealed Source (Amersham Corporation Model SIA.20) | G. 90 millicuries |

9. Authorized Use:

A. Any uptake, dilution and excretion study permitted by 10 CFR 35.100.
B. Any imaging and localization study permitted by 10 CFR 35.200.
C. Any use permitted by 10 CFR 35.300.
D. Any manual brachytherapy procedure permitted by 10 CFR 35.400.
E. In vitro studies.
F. For brachytherapy use in the Proxima Therapeutics' GliaSite® Radiation Therapy System permitted by 10 CFR 35.1000.
G. For ophthalmic radiation therapy permitted by 10 CFR 35.400.

**MATERIALS LICENSE**
**SUPPLEMENTARY SHEET**

License Number
25-07553-01

Docket or Reference Number
030-02396

Amendment No. 70

CONDITIONS

10. Licensed material may be used or stored only at the licensee's facilities located at 1233 North 30th Street, Billings, Montana, and at 2900 12th Avenue North, Billings, Montana, for 35.100 and 35.200 material only.

11. The Radiation Safety Officer for this license is Christopher K. Fitz.

12. Licensed material is only authorized for use by, or under the supervision of individuals permitted to work as an authorized user, authorized nuclear pharmacist, and/or authorized medical physicist in accordance with 10 CFR 35.13 and 35.14.

    A. The following individuals are authorized users for medical use:

| Authorized Users | Material and Use |
|---|---|
| Michael W. Brennan, M.D. | 35.200 |
| Alan Langburd, M.D. | 35.200 |
| Paul LaVeau, M.D. | 35.200 |
| James K. Vincent, M.D. | 35.200 |
| Walter C. Degnan, M.D. | 35.200; 31.11 |
| Mitchell E. Gallagher, M.D. | 35.100; 35.200; 31.11 |
| Joseph P. Dillard, M.D. | 35.100; 35.200; 31.11 |
| Ann Giuliano, M.D. | 35.100; 35.200; 35.300; 31.11 |
| Robert Rex Dietz, M.D. | 35.100; 35.200; 35.300 |
| Kathleen A. Ryan, M.D. | 35.100, 35.200; 35.300 |
| John M. Schallenkamp, M.D. | 35.400 |
| John V. Hanson, M.D. | 35.100; 35.200, 31.11; oral administration of sodium iodide I-131 in quantities less than or equal to 33 millicuries |
| John Gerard Terry, M.D. | 35.300; 35.400; Sr-90 for ophthalmic radiation therapy; 35.1000 only for Iodine-125 Iotrex™ in Proxima Therapeutics' GliaSite® Radiation Therapy System |

    B. The following individuals are authorized users for non-medical uses only:

| Authorized Users | Material and Use |
|---|---|
| Hoyle Setzer, M.D. | 31.11 |

    C. The following individuals are authorized medical physicists:

| Authorized Medical Physicists | Material and Use |
|---|---|
| Rodney J. Wimmer, Ph.D. | Sr-90 in an ophthalmic applicator for activity calculation |
| David W. Switzer, M.S. | Sr-90 in an ophthalmic applicator for activity calculation |

**MATERIALS LICENSE**
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13. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified in 10 CFR 30.35(d) for establishing decommissioning financial assurance.

14. The licensee is authorized to transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

15. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. This license condition applies only to those procedures that are required to be submitted in accordance with the regulations. Additionally, this license condition does not limit the licensee's ability to make changes to the radiation protection program as provided for in 10 CFR 35.26. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.

    A. Application dated October 21, 2004 (ML063180067)
    B. Letter dated November 23, 2004 (ML043280649)
    C. Letter dated April 18, 2005 (ML051150232)
    D. Facsimile dated April 22, 2005 (ML051150214)
    E. Facsimile dated October 17, 2006 (ML062920135)

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

**/RA/**

Date: November 14, 2006

By: _____

Roberto J. Torres, Senior Health Physicist
Nuclear Materials Licensing Branch
Region IV
Arlington, Texas 76011