UNITED STATES
**NUCLEAR REGULATORY COMMISSION**
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

December 15, 2006

Docket No. 03009218 License No. 47-15501-01
Control No. 139754

Jon Applebaum
CEO
City Hospital
2500 Hospital Drive
Martinsburg, WV 25401

SUBJECT: CITY HOSPITAL, LICENSE AMENDMENT, CONTROL NO. 139754

Dear Mr. Applebaum:

This refers to your license amendment request. Enclosed with this letter is the amended license.

Please review the enclosed document carefully and be sure that you understand and fully implement all the conditions incorporated into the amended license. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region I Office, Licensing Assistance Team, (610) 337-5239, so that we can provide appropriate corrections and answers.

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14).

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material;** then **Toolkit Index Page.** Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

Thank you for your cooperation.

Sincerely,

***Original signed by Richard McKinley***

Richard McKinley
Health Physicist
Medical Branch
Division of Nuclear Materials Safety

Enclosure:
Amendment No. 29

cc:
Dimitri Misailidis, M.D., Radiation Safety Officer

DOCUMENT NAME: C:\FileNet\ML063530778.wpd

**SUNSI Review Complete:** RMcKinley
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|---|---|---|---|---|---|---|---|---|
| NAME | RMcKinley ***/RWM1/*** | | | | | | | |
| DATE | 12/15/06 | | | | | | | |

OFFICIAL RECORD COPY

Amendment No. 29

# 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 the letter dated November 11, 2006, |
|---|---|
| 1. City Hospital | 3. License number 47-15501-01 is amended in its entirety to read as follows: |
| 2. 2500 Hospital Drive<br>Martinsburg, West Virginia 25401 | 4. Expiration date June 30, 2015 |
| | 5. Docket No. 030-09218<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 35.500 | C. Sealed sources (Isotope Product Laboratories Model PHI-0094) | C. 10 millicuries per source and 40 millicuries total |
| D. Any byproduct material permitted by 10 CFR 31.11 | D. Prepackaged Kits | D. 5 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. Diagnostic medical use of sealed sources permitted by 10 CFR 35.500 in compatible devices registered pursuant to 10 CFR 30.32(g).
D. In vitro studies.

CONDITIONS

10. Licensed material may be used or stored only at the licensee's facilities located at 2500 Hospital Drive, Martinsburg, West Virginia.

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

License Number
47-15501-01

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11. The Radiation Safety Officer for this license is Dimitri Misailidis, M.D.

12. Licensed material is only authorized for use by, or under the supervision of:

    A. Individuals permitted to work as an authorized user in accordance with 10 CFR 35.13 and 35.14.

    B. The following individuals are authorized users for medical use as indicated:

| Authorized Users | Material and Use |
|---|---|
| Dimitri Misailidis, M.D. | 35.100; 35.200; 35.500; 31.11 |
| John L. Blanco, M.D. | 35.100; 35.200; 35.500; 31.11 |
| Hojoon Jung, M.D. | 35.100; 35.200; 35.500; 31.11 |

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 in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

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

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 December 15, 2004 (NRC Form 313, Item 9.1, and Item 9.6 only) [ML043620432]
    B. Letter dated May 13, 2005 [ML051430474]
    C. Letter dated June 7, 2005
    D. Letter dated December 15, 2006

For the U.S. Nuclear Regulatory Commission

Date December 15, 2006

By ***Original signed by Richard McKinley***

Richard McKinley
Medical Branch
Division of Nuclear Materials Safety
Region I
King of Prussia, Pennsylvania 19406