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

May 16, 2007

Docket No. 03036212 License No. 47-25620-01
Control No. 140487

Marla Nichols
Department Administrator
University of Physicians and Surgeons
d/b/a/ University Cardiovascular Services
2828 First Avenue, Suite 200
Huntington, WV 25702

SUBJECT: UNIVERSITY OF PHYSICIANS AND SURGEONS, LICENSE AMENDMENT, CONTROL NO. 140487

Dear Mr. Nichols:

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 **Regulations, Guidance, and Communications.** You may also 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 Thomas K. Thompson***

Thomas K. Thompson
Senior Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Amendment No. 4

cc:
Tina M. Sias, M.D., Radiation Safety Officer

DOCUMENT NAME: C:\FileNet\ML071380253.wpd

**SUNSI Review Complete:** TThompson

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| NAME | TThompson ***/TKT/*** | | | | | | | |
| DATE | 5/16/07 | | | | | | | |

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Amendment No. 04

# 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 received May 7, 2007, |
|---|---|
| 1. University Physicians and Surgeons d/b/a University Cardiovascular Services | 3. License number 47-25620-01 is amended in its entirety to read as follows: |
| 2. 2828 First Avenue<br>Suite 200<br>Huntington, West Virginia 25702 | 4. Expiration date February 28, 2013<br>5. Docket No. 030-36212 |

| 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 35.200 | A. Any | A. As needed |

9. Authorized use:

A. Any imaging and localization procedure permitted by 10 CFR 35.200

CONDITIONS

10. Licensed material shall be used or stored only at the licensee's facilities at 2828 First Avenue. Suite 200, or Robert C. Byrd Clinical Center, 1249 15th Street, Suite 4000, Huntington, West Virginia.

11. The Radiation Safety Officer is Tina M. Sias, 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, authorized nuclear pharmacist, and/or authorized medical physicist in accordance with 10 CFR 35.13 and 35.14

B. The following individuals are authorized users for the materials and uses indicated:

| Authorized Users | Material and Use |
|---|---|
| Tina M. Sias, M.D. | 35.200 |
| Silvestre P. Cansino, M.D. | 35.200, except generators |

License Number
47-25620-01

Docket or Reference Number
030-36212

Amendment No. 4

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

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 financial assurance for decommissioning.

14. Sealed sources or detector cells containing license material shall not be opened or sources removed from source holders by the licensee.

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

16. 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 January 21, 2003
    B. Letter received April 15, 2003
    C. Letter dated October 14, 2006 (ML063350395)

For the U.S. Nuclear Regulatory Commission

Date May 16, 2007

By ***Original signed by Thomas K. Thompson***

Thomas K. Thompson
Commercial and R&D Branch
Division of Nuclear Materials Safety
Region I
King of Prussia, Pennsylvania 19406