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

July 19, 2008

Docket No. 03017773 License No. 45-19484-01
Control No. 142357

Gregory Bengston
Vice President
Fauquier Hospital
500 Hospital Drive
Warrenton, VA 20186

SUBJECT: FAUQUIER HOSPITAL, LICENSE AMENDMENT, CONTROL NO. 142357

Dear Mr. Bengston:

This refers to your license amendment request dated April 30, 2008. Enclosed with this letter is the amended license authorizing you to perform brachytherapy procedures using iodine 125.

Matt Lucas, your physics consultant, informed us that your gadolinium 153 attenuation sources are in storage and you are researching options for disposal. This amendment limits the authorized use of these sources to possession and storage, and designates Dr. Koepke as the individual responsible for supervision of storage. In addition, the list of documents in License Condition 18 was updated to restore documents that were inadvertently removed in a previous amendment, and to remove an unnecessary document.

During our review of your license records, we noted that we had not received closeout surveys of vacated areas following the planned relocation of your Nuclear Medicine department described in a letter dated November 29, 2004. We informed Leisa Hirtle of your staff, who provided copies of closeout survey reports dated May 3, 2005 and June 20, 2005. These areas may be released for unrestricted use.

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 1-866-512-1800. 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 Sandra Gabriel

Sandra Gabriel
Senior Health Physicist
Medical Branch
Division of Nuclear Materials Safety

Enclosure:
Amendment No. 25

cc:
James R. Koepke, M.D., Radiation Safety Officer

DOCUMENT NAME: C:\FileNet\ML082030035.wpd

SUNSI Review Complete: SGabriel
After declaring this document "An Official Agency Record" it **will** be released to the Public.

To receive a copy of this document, indicate in the box: "**C**" = Copy w/o attach/encl "**E**" = Copy w/ attach/encl "**N**" = No copy

OFFICE	DNMS/RI	N	DNMS/RI		DNMS/RI			
NAME	SGabriel/SLG							
DATE	7/19/2008							

OFFICIAL RECORD COPY

U.S. NUCLEAR REGULATORY COMMISSION

Amendment No. 25

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 April 30, 2008,
1. Fauquier Hospital	3. License number 45-19484-01 is amended in its entirety to read as follows:
2. 500 Hospital Drive Warrenton, Virginia 20186	4. Expiration date August 31, 2011
	5. Docket No. 03017773 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. Iodine 125 permitted by 10 CFR 35.400	C. Sealed Sources (Best Medical International, Inc. Model 2301, Bard Brachytherapy, Inc. Model STM 1251, IsoAid, LLC Model IAI-125A)	C. 1000 millicuries
D. Gadolinium 153	D. Sealed Sources (DuPont Merck Model NES-8412; North American Scientific Model MED 3601)	D. 0.3 curies per source and 1.0 curie total

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 manual brachytherapy procedure permitted by 10 CFR 35.400, for which the patient can be released under the provisions of 10 CFR 35.75.
D. Possession and storage only.

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License Number
45-19484-01

Docket or Reference Number
03017773

Amendment No. 25

CONDITIONS

10. Licensed material may be used or stored only at the licensee's facilities located at Fauquier Hospital, 500 Hospital Drive, Warrenton, Virginia.

11. The Radiation Safety Officer for this license is James R. Koepke, 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
Keith Chu, M.D.	35.200
Mohammad R. Ghafouri, D.O.	35.200
Ravi M. Giyanani, M.D.	35.100; 35.200
Todd H. Hillman, M.D.	35.100; 35.200
James R. Koepke, M.D.	35.100; 35.200
Douglas J. Markert, M.D.	35.100; 35.200
Philip N. Massey, M.D.	35.100; 35.200
Stephen L. Miller, M.D.	35.100; 35.200
Duyanh T. Vu, MD.	35.100; 35.200
David R. Weber, M.D.	35.100; 35.200
Patrick F. Zazzaro, M.D.	35.100; 35.200
Michelle A. Webb, M.D.	35.200
Jennifer T. Wargo, M.D.	35.100; 35.200
David M. Perlmutter, M.D.	35.100; 35.200
Maria E. Pace, M.D.	35.100; 35.200
Pamela M. Phillips, M.D.	35.100; 35.200

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License Number
45-19484-01

Docket or Reference Number
03017773

Amendment No. 25

Authorized Users	Material and Use
Hamid Taheri, M.D.	35.200
Shahram Yazdani, M.D.	35.200
Hassan Tabandeh, M.D.	35.200
Michael B. Robins, M.D.	35.100; 35.200
Michael Escano, M.D.	35.200
Morton E. Kalus, M.D.	35.200
Ara M. Maranian, M.D.	35.200
Sanjeev Aggarwal, M.D.	35.400

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

Users	Material and Use
James R. Koepke, M.D.	Gadolinium 153 (supervision of storage)

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. For sealed sources not associated with 10 CFR Part 35 use, the following conditions apply:

    A. Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed six months or at the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State.

    B. In the absence of a certificate from a transferor indicating that a leak test has been made within the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State, prior to the transfer, a sealed source received from another person shall not be put into use until tested and the test results received.

    C. Sealed sources need not be tested if they contain only hydrogen-3; or they contain only a radioactive gas; or the half-life of the isotope is 30 days or less; or they contain not more than 100 microcuries of beta- and/or gamma-emitting material or not more than 10 microcuries of alpha-emitting material.

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License Number
45-19484-01

Docket or Reference Number
03017773

Amendment No. 25

D. Sealed sources need not be tested if they are in storage and are not being used; however, when they are removed from storage for use or transferred to another person and have not been tested within the required leak test interval, they shall be tested before use or transfer. No sealed source shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.

E. The leak test shall be capable of detecting the presence of 0.005 microcurie (185 becquerels) of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie (185 becquerels) or more of removable contamination, a report shall be filed with the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 30.50(c)(2), and the source shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations.

F. Tests for leakage and/or contamination, including leak test sample collection and analysis, shall be performed by the licensee or by other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.

G. Records of leak test results shall be kept in units of microcuries and shall be maintained for 5 years.

15. The licensee shall conduct a physical inventory every six months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license. Records of inventories shall be maintained for 5 years from the date of each inventory and shall include the radionuclides, quantities, manufacturer's name and model numbers, and the date of the inventory.

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

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

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License Number
45-19484-01

Docket or Reference Number
03017773

Amendment No. 25

18. 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 25, 1990 (ML012150241)
    B. Letter dated April 25, 1991 (ML012150237)
    C. Application dated April 11, 2001 (ML012150215)
    D. Letter dated November 29, 2004 (ML043550313)
    E. Letter dated June 23, 2008 (ML081850289)

For the U.S. Nuclear Regulatory Commission

Date July 18, 2008

By ***Original signed by Sandra Gabriel***

Sandra Gabriel
Medical Branch
Division of Nuclear Materials Safety
Region I
King of Prussia, Pennsylvania 19406