U.S. NUCLEAR REGULATORY COMMISSION

Amendment No. 01

# 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 January 23, 2009 |
|---|---|
| 1. Delaware Outpatient Center for Surgery | 3. License No. 07-31332-01 Is amended in its entirety to read as follows: |
| 2. 774 Christiana Road, Suite 2<br>Newark, Delaware 19713 | 4. Expiration Date: December 31, 2018 |
| | 5. Docket No. 030-37830 |

| 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 35.400 | A. Sealed source (Theragenics Corp., TheraSeed Model 200 and I-Seed Model I25.S06; Mills Biopharmaceuticals, LLC Model I-125 SL; Medi-Physics, Inc. or Amersham Health Model 6711[Oncoseed]; North American Scientific, Inc., Model MED 3633 and MED 3631) | A. 3500 millicuries |

9. Authorized use:

   A. 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.

CONDITIONS

10. Licensed material may be used or stored only at the licensee's facilities located at 774 Christiana Road, Suite 2, Newark, Delaware.

11. The Radiation Safety Officer (RSO) for this license is Adam Raben, M.D.

| MATERIALS LICENSE SUPPLEMENTARY SHEET | License No. 07-31332-01 |
|---|---|
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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 User | Material and Use |
|---|---|
| Adam Raben, M.D. | 35.400 |
| Viroon Donavanik, M.D. | 35.400 |
| Jon F. Strasser, M.D. | 35.400 |

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."

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 September 10, 2008 [ML082670495]
    B. Letter dated October 27, 2008 [ML083050647]
    C. Letter dated November 20, 2008 [ML083260708]

For the U. S. Nuclear Regulatory Commission

Date April 17, 2009

By ***Original signed by Bryan A. Parker***

Bryan A. Parker
Commercial and R&D Branch
Division of Nuclear Materials Safety
Region I
King of Prussia, Pennsylvania 19406