



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

November 30, 2004

Docket No. 03019970
Control No. 135670

License No. 37-10284-02

F. Nicholas Jacobs
President and Chief Executive Officer
Windber Hospital, Inc.
d-b-a Windber Medical Center
600 Somerset Avenue
Windber, PA 15963

SUBJECT: WINDBER HOSPITAL, INC., ISSUANCE OF LICENSE AMENDMENT,
CONTROL NO. 135670

Dear Mr. Jacobs:

This refers to your license amendment requests. Enclosed with this letter is the amended license. Please note that this amendment does not address the transporting of the mobile GE Discovery ST PET/CT Scanner as outlined in your letter dated September 17, 2004. As discussed with Ms. Ann Coleman of your Nuclear Medicine staff, the hospital is planning to transport a Cesium-137 dose calibrator reference source to another facility along with the scanner. This activity will need to be authorized under a separate NRC byproduct material license, which will require the submission of a new application.

Your license was written in a format compatible with the revised 10 CFR Part 35, dated April 24, 2002 (enclosed). Please review the enclosed document carefully and be sure that you understand and fully implement all the conditions incorporated into the amended license. Please note the last condition on your license indicates that, "This license condition applies only to those procedures that are required to be submitted in accordance with the regulations." Therefore, any procedures submitted that were not required by regulation to be submitted, e.g., calibration of dose calibrators, will not be considered a part of your license and were not reviewed during the licensing process. These procedures will be reviewed during inspections, as necessary. 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).

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the NRC Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at 800-397-4209 or 301-415-4737 or pdrr@nrc.gov.

F. Jacobs
Windber Hospital, Inc.

2

Thank you for your cooperation.

Sincerely,

Original signed by Willie J. Lee

Willie J. Lee
Health Physicist
Medical Branch
Division of Nuclear Materials Safety

Enclosures:

1. Amendment No. 17
2. 10 CFR Part 35

cc:

Lawrence M. McNiesh, M.D., Radiation Safety Officer

F. Jacobs
Windber Hospital, Inc.

3

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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.

<p>Licensee</p> <p>1. Windber Hospital, Incorporated d-b-a Windber Medical Center</p> <p>2. 600 Somerset Avenue Windber, Pennsylvania 15963</p>	<p>In accordance with the letters dated September 9 and November 30, 2004,</p> <p>3. License number 37-10284-02 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date September 30, 2013</p> <hr/> <p>5. Docket No. 030-19970 Reference No.</p>	
<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Any byproduct material permitted by 10 CFR 35.100</p> <p>B. Any byproduct material permitted by 10 CFR 35.200</p> <p>C. Any byproduct material permitted by 10 CFR 35.300</p>	<p>7. Chemical and/or physical form</p> <p>A. Any</p> <p>B. Any</p> <p>C. Any</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. As needed</p> <p>B. As needed</p> <p>C. 33 millicuries</p>
<p>9. Authorized use:</p> <p>A. Any uptake, dilution and excretion study permitted by 10 CFR 35.100.</p> <p>B. Any imaging and localization study permitted by 10 CFR 35.200.</p> <p>C. Any diagnostic study or therapy procedure permitted by 10 CFR 35.300, for which the patient can be released under the provisions of 10 CFR 35.75.</p>		

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
37-10284-02Docket or Reference Number
030-19970

Amendment No. 17

CONDITIONS

10. Licensed material may be used or stored only at the licensee's facilities located at 600 Somerset Avenue, Windber, Pennsylvania.
11. The Radiation Safety Officer for this license is Lawrence M. McNiesh, 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 UsersMaterial and Use

Harold L. Ringler, Jr., M.D.

35.100; 35.200; Oral administration of Iodine-131 sodium iodide in quantities less than or equal to 33 millicuries

Jonathan I. Abrahams, M.D.

35.100; 35.200; Oral administration of Iodine-131 sodium iodide in quantities less than or equal to 33 millicuries

Lawrence M. McNiesh, M.D.

35.100; 35.200

Anthony J. Scuderi, M.D.

35.100; 35.200; Oral administration of Iodine-131 sodium iodide in quantities less than or equal to 33 millicuries

Howard I. Forman, M.D.

35.100; 35.200

Gary Scott Kramer, M.D.

35.100; 35.200

Ajit N. Shah, M.D.

35.100; 35.200; Oral administration of Iodine-131 sodium iodide in quantities less than or equal to 33 millicuries

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."

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
37-10284-02Docket or Reference Number
030-19970

Amendment No. 17

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 August 13, 2003



For the U.S. Nuclear Regulatory Commission

Date November 30, 2004
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Original signed by Willie J. Lee

Willie J. Lee
Medical Branch
Division of Nuclear Materials Safety
Region I
King of Prussia, Pennsylvania 19406