



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

February 28, 2005

Docket No. 03003852
Control No. 136053

License No. 07-00455-02

Maurice B. Richard
Site Manager
E. I. Du Pont de Nemours & Company, Inc.
Experimental Station E61/103B
P. O. Box 80361
Wilmington, DE 19880-0361

SUBJECT: E. I. DU PONT DE NEMOURS & COMPANY, INC., ISSUANCE OF LICENSE
AMENDMENT, CONTROL NO. 136053

Dear Mr. Richard:

This refers to your license amendment request. Enclosed with this letter is the amended license. This is issued concurrently with the issuance of License No. 07-00455-41.

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).

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 pdr@nrc.gov.

Thank you for your cooperation.

Sincerely,

Original signed by Elizabeth Ullrich

Betsy Ullrich
Senior Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

M. Richard
E. I. Du Pont de Nemours & Company, Inc.

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Enclosure:
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NRC Web site addresses

NRC regulations

<http://www.nrc.gov/reading-rm/doc-collections/cfr/>

Licensing guidance

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/>

General Policy and Procedure for NRC Enforcement Actions

<Http://www.nrc.gov/what-we-do/regulatory/enforcement/enforc-pol.pdf>

206 of the Energy Reorganization Act of 1974

<http://www.nrc.gov/who-we-are/governing-laws.html>

cc:

Michael B. Ohm, Radiation Safety Officer

DOCUMENT NAME: E:\Filenet\ML050590287.wpd

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OFFICE	DNMS/RI	N	DNMS/RI	DNMS/RI			
NAME	EUIrich/EXU						
DATE	2/28/2005						

OFFICIAL RECORD COPY

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 style="text-align: center;">Licensee</p> <p>1. E. I. du Pont de Nemours & Company Experimental Station E361/103B</p> <p>2. P.O. Box 80361 Wilmington, Delaware 19880-0361</p>	<p>In accordance with the application dated November 23, 2004,</p> <p>3. License number 07-00455-02 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date August 31, 2011</p> <hr/> <p>5. Docket No. 030-03852 Reference No.</p>
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<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Any byproduct material with atomic numbers 3-83</p> <p>B. Hydrogen 3</p> <p>C. Carbon 14</p> <p>D. Nickel 63</p>	<p>7. Chemical and/or physical form</p> <p>A. Any</p> <p>B. Any</p> <p>C. Any</p> <p>D. Any</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. Not to exceed 200 millicuries per radionuclide and 5 curies total</p> <p>B. 5 curies</p> <p>C. 2 curies</p> <p>D. 1 curie</p>
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9. Authorized use:

A. through D. Research and development as defined in 10 CFR 30.4; animal studies; incineration of waste received from persons who are authorized to possess and use licensed materials pursuant to NRC License Nos. 07-00455-40 and 07-13441-02.

CONDITIONS

- 10. Licensed material may be used or stored only at the licensee's facilities located at the Experimental Station, Wilmington, Delaware.
- 11. A. Licensed material for other than human use shall be used by, or under the supervision of, individuals designated by the Radiation Safety Committee.
- B. The Radiation Safety Officer for this license is Michael B. Ohm.

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12. The licensee shall not use licensed material in or on human beings.
13. The licensee shall not use licensed material in field applications where it is released except as provided otherwise by specific condition of this license.
14. Experimental animals, or the products from experimental animals, that have been administered licensed materials shall not be used for human consumption.
15. A. Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed 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. Notwithstanding Paragraph A of this Condition, sealed sources designed to primarily emit alpha particles shall be tested for leakage and/or contamination at intervals not to exceed 3 months.
- C. Each sealed source fabricated by the licensee shall be inspected and tested for construction defects, leakage, and contamination prior to any use or transfer as a sealed source.
- D. 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.
- E. 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.
- F. 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.
- G. 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.

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- H. 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.
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 shall conduct a physical inventory every six months, or at other interval approved by the U.S. Nuclear Regulatory Commission, to account for all sealed sources and/or devices received and possessed under the license.
18. Maintenance, repair, cleaning, replacement, and disposal of foils contained in detector cells shall be performed only by the device manufacturer or other persons specifically authorized by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.
19. A. Detector cells containing a titanium tritide foil or a scandium tritide foil shall only be used in conjunction with a properly operating temperature control mechanism which prevents the foil temperatures from exceeding that specified in the certificate of registration referred to in 10 CFR 32.210.
- B. When in use, detector cells containing a titanium tritide foil or a scandium tritide foil shall be vented to the outside.
20. The licensee is authorized to hold byproduct material with a physical half-life of less than or equal to 120 days for decay-in-storage before disposal without regard to its radioactivity if the licensee:
- A. Monitors byproduct material at the surface before disposal and determines that its radioactivity cannot be distinguished from the background radiation level with an appropriate radiation detection survey meter set on its most sensitive scale and with no interposed shielding; and
- B. Removes or obliterates all radiation labels, except for radiation labels on materials that are within containers and that will be managed as biomedical waste after they have been released from the licensee; and
- C. Maintains records of the disposal of licensed materials for 3 years. The record must include the date of disposal, the survey instrument used, the background radiation level, the radiation level measured at the surface of each waste container, and the name of the individual who performed the disposal.
21. Pursuant to 10 CFR 20.1302(c) and 10 CFR 20.2002, the licensee is authorized to dispose of licensed material by incineration, provided the gaseous effluent from incineration does not exceed the limits specified for air in Appendix B, Table II, 10 CFR Part 20.

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- 22. Pursuant to 10 CFR 20.2002, the licensee may dispose of incinerator ash containing radioactive materials with atomic numbers 1 through 83, except as identified below, as ordinary waste in a landfill provided that the concentration of radionuclides (in microcuries per gram of ash) at the time of disposal are no greater than the values of Table II, Column 2, 10 CFR Part 20, Appendix B. For hydrogen-3, carbon-14, aluminum-26, chlorine-36, silver-108m, niobium-94, iodine-129, technetium-99, and thallium-204, the concentration can be no greater than one-tenth of the value in Table II, Column 2, 10 CFR Part 20, Appendix B. If more than one radionuclide is present in the ash, then the sum of fractions rule applies.
- 23. Notwithstanding 10 CFR 20.2001, the licensee may dispose of hydrogen-3 and carbon-14 in plant and soil material as normal waste, if the plant and soil material contain less than 0.002 microcurie per gram averaged over the weight of the plant and soil material, and the quantity per disposal does not exceed 100 microcuries for hydrogen-3 and 10 microcuries for carbon-14.
- 24. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
- 25. 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. The 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. Letter dated April 2, 2002 (excluding attachments) [ML021010053]
 - B. Application dated November 23, 2004 [ML043410097]
 - C. Letter dated February 8, 2005 [ML050540355]

For the U.S. Nuclear Regulatory Commission

Original signed by Elizabeth Ullrich

Date February 28, 2005
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By _____
Elizabeth Ullrich
Commercial and R&D Branch
Division of Nuclear Materials Safety
Region I
King of Prussia, Pennsylvania 19406