



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

April 6, 2005

Docket No. 03033657
Control No. 136707

License No. 37-30174-01

John M. Leonard, V.M.D.
Director
Fox Run Equine Center
798 Fox Road
Apollo, PA 15613

SUBJECT: FOX RUN EQUINE CENTER, ISSUANCE OF LICENSE AMENDMENT,
CONTROL NO. 136707

Dear Dr. Leonard:

This refers to your license amendment request dated April 5, 2005. Enclosed with this letter is the amended license authorizing the use of Ir-192 seeds for one treatment of an equine patient. David Everhart, of the NRC Region I office, is expected to be onsite during the treatment on Saturday, April 9, 2005. If your schedule changes, please contact Mr. Everhart at (717) 314-6743.

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 available at the NRC Web sites listed below or by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

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

Enclosure:
Amendment No. 4

J. Leonard
Fox Run Equine Center

2

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>

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OFFICE	DNMS/RI	N	DNMS/RI	N	DNMS/RI			
NAME	JNick/JLN		EUlrich/EXU					
DATE	4/6/2005		4/6/2005					

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. Fox Run Equine Center</p> <p>2. 798 Fox Road Apollo, Pennsylvania 15613</p>	<p>In accordance with the letter dated April 5, 2005,</p> <p>3. License number 37-30174-01 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date January 31, 2015</p> <hr/> <p>5. Docket No. 030-33657 Reference No.</p>
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<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Technetium 99m</p> <p>B. Cesium 137</p> <p>C. Iridium 192</p>	<p>7. Chemical and/or physical form</p> <p>A. Any</p> <p>B. Sealed source (DuPont Model NES 356)</p> <p>C. Sealed Source (Alpha Omega Model C10001-A-01)</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. As needed</p> <p>B. 300 microcuries</p> <p>C. 400 millicuries</p>
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9. Authorized use:
- A. Veterinary treatment of animals.
 - B. Calibration of instruments.
 - C. See License Condition 12.

CONDITIONS

- 10. Licensed material may be used only at the licensee's facilities located at 798 Fox Road, Apollo, Pennsylvania.
- 11. A. Licensed material shall be used by, or under the supervision of, John M. Leonard, V.M.D. or Brian Burks, D.V.M.
- B. The Radiation Safety Officer for this license is John M. Leonard, V.M.D.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
37-30174-01Docket or Reference Number
030-33657

Amendment No. 04

12. Manual brachytherapy procedure, one emergency treatment of an equine patient, as described in the letters dated April 5 and 6, 2005. Additional brachytherapy treatments as a routine activity are not authorized at this time.
13. Licensed material shall not be used in or on human beings.
14. A. Sealed sources and detector cells containing licensed material shall be tested for leakage and/or contamination at intervals not to exceed six months or at such other intervals as are specified by the certificate of registration referred to in 10 CFR 32.210, not to exceed three years.
- B. Notwithstanding Paragraph A of this Condition, sealed sources designed to emit alpha particles shall be tested for leakage and/or contamination at intervals not to exceed three months.
- C. In the absence of a certificate from a transferor indicating that a leak test has been made within six months prior to the transfer, a sealed source or detector cell received from another person shall not be put into use until tested.
- D. 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.
- E. Sealed sources and detector cells need not be leak tested if:
- (i) they contain only hydrogen-3; or
 - (ii) they contain only a radioactive gas; or
 - (iii) the half-life of the isotope is 30 days or less; or
 - (iv) they contain not more than 100 microcuries of beta and/or gamma emitting material or not more than 10 microcuries of alpha emitting material; or
 - (v) they are not designed to emit alpha particles, are in storage, and are not being used. However, when they are removed from storage for use or transfer 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 or detector cell shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
37-30174-01Docket or Reference Number
030-33657

Amendment No. 04

- F. The test shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie or more of removable contamination, a report shall be filed with the U.S. Nuclear Regulatory Commission and the source or detector cell shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. The report shall be filed within five days of the date the leak test result is known with the U.S. Nuclear Regulatory Commission, Region I, ATTN: Director, Division of Nuclear Materials Safety, 475 Allendale Road, King of Prussia, Pennsylvania 19406. The report shall specify the source or detector cell involved, the test results, and corrective action taken.
- G. The licensee is authorized to collect leak test samples for analysis by Universal Consultants, Inc. Alternatively, tests for leakage and/or contamination may be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.
15. Sealed sources or detector cells containing licensed material shall not be opened or sources removed from source holders by the licensee.
16. The licensee shall not acquire licensed material in a sealed source or device unless the source or device has been registered with the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.210 or equivalent regulations of an Agreement State.
17. The licensee shall conduct a physical inventory every six months to account for all sealed sources and devices containing licensed material received and possessed under the license.
18. The licensee shall not use licensed material in field applications where activity is released except as provided otherwise by specific condition of this license.
19. Experimental animals, or the products from experimental animals, that have been administered licensed materials shall not be used for human consumption.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
37-30174-01Docket or Reference Number
030-33657

Amendment No. 04

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. 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
37-30174-01Docket or Reference Number
030-33657

Amendment No. 04

22. 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 November 22, 1994
- B. Letter dated November 29, 1994
- C. Letter dated June 26, 1997
- D. Letter dated November 19, 2004 (ML043370076)
- E. Letter dated January 7, 2005 (ML050270308)
- F. Letter dated April 5, 2005 (ML050950022)
- G. Letter dated April 6, 2005



For the U.S. Nuclear Regulatory Commission

Date April 6, 2005By ***Original signed by Elizabeth Ullrich***

Elizabeth Ullrich
Commercial and R&D Branch
Division of Nuclear Materials Safety
Region I
King of Prussia, Pennsylvania 19406