

MATERIALS LICENSE

CORRECTED COPY No. 1

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.

PC 01100

311271

Licensee

- 1. Dow AgroSciences
- 2. 9330 Zionsville Road
306 Building, E2-1010
Indianapolis, IN 46268-1054

In accordance with facsimile dated
November 4, 2002,

3. License number 13-26398-01 is amended
in its entirety to read as follows:

4. Expiration date March 31, 2009

5. Docket No. 030-32714
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.

B.

C.

D.

E.

F.

G.

H.

I.

NUCLEAR REGULATORY COMMISSION

information in this record was deleted
in accordance with the Freedom of Information
Act, exemptions 2
FOIA- 2005-0080

B/5

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number
13-26398

Docket or Reference Number
030-32714

Amendment No. 18
CORRECTED COPY No. 1

9. Authorized Use:

- A. through G. Research and development as defined in Section 30.4 of 10 CFR Part 30 and distribution of research samples to specific licensees, as described in application dated September 4, 1997 and letter dated September 22, 1997.
- H. For use in analytical and measuring devices registered with the NRC pursuant to Section 32.210 of 10 CFR Part 32 or an agreement state.
- I. For possession incident to disposal as waste products generated from studies involving [] Ex2 labelled pesticide formulations conducted at Dow AgroSciences' U.S. field research stations and/or U.S. contract laboratories.

CONDITIONS

10. A. Licensed material shall be used at Dow AgroSciences facilities located at 9330 Zionsville Road, Indianapolis, Indiana, which have been evaluated and approved by the licensee's Radiation Safety Committee.

B.

in accordance with letters dated September 10, 1999 and May 3, 2000.

11. The Radiation Safety Officer for this license is Amy Jo Smith.

12. A. Licensed material shall only be used by, or under the supervision of, individuals designated by the Radiation Safety Committee, Beth A. Swisher, Ph.D., Chairperson. The licensee shall maintain records of individuals designated as users for 3 years after the individual's last use of licensed material.

- B. Individuals authorized to use licensed material by the Radiation Safety Committee, shall have as a minimum, training equivalent to Section 33.15(b) of Part 33 of 10 CFR.

13. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the limits specified in 10 CFR 30.72 which require consideration of the need for an emergency plan for responding to a release of licensed material.

14. A. Sealed sources and detector cells shall be tested for leakage and/or contamination at intervals not to exceed 6 months or at such other intervals as specified by the certificate of registration referred to in 10 CFR 32.210.

- 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 3 months.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
13-26398-LDocket or Reference Number
030-32714Amendment No. 18
CORRECTED COPY No. 1

- C. In the absence of a certificate from a transferor indicating that a leak test has been made within 6 months prior to the transfer, a sealed source or detector cell received from another person shall not be put into use until tested.
- D. Sealed sources 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 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 or detector cell 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 of radioactive material on the test sample. Records of leak test results shall be kept in units of microcuries and shall be maintained for inspection by the Commission. 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 shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. The report shall be filed within 5 days of the date the leak test result is known with the U.S. Nuclear Regulatory Commission, Region III, 801 Warrenville Road, Lisle, Illinois, 60532-4351, Chief, Nuclear Materials Safety Branch. The report shall specify the source involved, the test results, and corrective action taken. Records of leak test results shall be kept in units of microcuries and shall be maintained for inspection by the Commission. Records may be disposed of following Commission inspection.
- F. Tests for leakage and/or contamination shall be performed by the licensee or by other persons specifically licensed by the Commission or an Agreement State to perform such services.
15. The licensee shall conduct a physical inventory every 6 months 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 quantities and kinds of byproduct material, manufacturer's name and model numbers, location of the sources and/or devices, and the date of the inventory.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
13-26398Docket or Reference Number
030-32714Amendment No. 18
CORRECTED COPY No. 1

16. 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 temperature from exceeding that specified by the manufacturer and approved by U.S. Nuclear Regulatory Commission.
- B. When in use, detector cells containing a titanium tritide foil or a scandium tritide foil shall be vented to the outside.
17. Sealed sources or detector cells containing licensed material shall not be opened or sources removed from source holders by the licensee.
18. The licensee is authorized to hold radioactive material with a physical half-life of less than 90 days for decay-in-storage before disposal in ordinary trash provided:
- A. Radioactive waste to be disposed of in this manner shall be held for decay a minimum of 10 half-lives.
- B. Before disposal as ordinary trash, byproduct material shall be surveyed at the container surface with the appropriate meter set on its most sensitive scale and with no interposed shielding to determine that its radioactivity cannot be distinguished from background. All radiation labels shall be removed or obliterated.
- C. A record of each disposal permitted under this License Condition shall be retained for 3 years. The record must include the date of disposal, the date on which the byproduct material was placed in storage, the radionuclides disposed, the survey instrument used, the background dose rate, the dose rate measured at the surface of each waste container, and the name of the individual who performed the disposal.
19. This license does not authorize commercial distribution of licensed material.
20. The licensee shall not use licensed material in or on human beings except as provided otherwise by specific condition of this license.
21. The licensee shall not use licensed material in field applications where activity is released except as provided otherwise by specific condition of this license.
22. The licensee is authorized to transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
23. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of unsealed licensed material or readily dispersible source material to quantities less than 10^5 times the applicable limits in Appendix B of 10 CFR Part 30, as specified in 10 CFR 30.35.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number
13-26398-L

Docket or Reference Number
030-32714

Amendment No. 18
CORRECTED COPY No. 1

24. The licensee is authorized to receive sealed containers of [REDACTED] waste material generated by contract laboratories performing research and field studies for the licensee provided:
- A. The waste material shall only be received at the licensee's Indianapolis, Indiana, Research and Development Facility;
- B. Only waste material that contains or is contaminated with [REDACTED] that was originally provided to the contract laboratories by the licensee shall be received by the licensee. No materials (waste, or otherwise) from any other than the licensee's study shall be shipped to the licensee;
- C. In any calendar year, no more than [REDACTED] waste material shall be returned to the licensee from contract laboratories; and
- D. The licensee provides detailed instructions to the contract laboratories that: clearly indicate that the licensee will only accept waste materials that contain or are contaminated with radioactive materials supplied by the licensee; and that provide adequate instructions for complying with regulations for packaging and transport of licensed materials.
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 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 4, 1997;
- B. Letters dated September 22, 1997, October 29, 1998, February 1999, February 26, 1999, March 17, 1999, September 10, 1999, January 20, 2000, May 3, 2000, December 12, 2000, and January 3, 2001.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date NOV 06 2002

By Charles F. Gill
Charles F. Gill
Materials Licensing Branch
Region III