



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

November 30, 2005

Docket No. 03036423
Control No. 137768

License No. 45-23722-02

Michael E. Miller
Industrial Hygiene and Safety Manager
Department of Justice
Federal Bureau of Investigations
FBI Laboratory
2501 Investigation Parkway
Quantico, VA 22135

SUBJECT: DEPARTMENT OF JUSTICE, REQUEST FOR ADDITIONAL INFORMATION
CONCERNING APPLICATION FOR RENEWAL OF LICENSE, CONTROL NO.
137768

Dear Mr. Miller:

This is in reference to your application dated September 16, 2005, requesting to renew Nuclear Regulatory Commission License No. 45-23722-02. In order to continue our review, we need the following additional information:

1. Although your license currently contains a condition (No. 12) that restricts your possession of licensed material to quantities below those which require establishing financial assurance for decommissioning, the radionuclides and limits requested in your renewal application exceed those minimum limits for individual radionuclides.
 - a. The authorized limits for the byproduct material radionuclides you have requested in "any" form exceed the minimum quantities for unsealed materials set forth in 10 CFR 30.35(d) and in Appendix B of 10 CFR Part 30. Your request will require you to provide financial assurance based on a Decommissioning Funding Plan (DFP). In addition, your request to add special nuclear materials [uranium-235 (U-235) and plutonium-239 (Pu-239)] also requires you to provide financial assurance based on a DFP in accordance with 10 CFR 70.25.
 - b. Based on the purpose for which materials will be used described in your application, it appears that the additional radionuclides requested actually may be in the form of "sealed sources" or "plated foils" rather than "any". You may wish to request the radionuclides as "sealed sources". If so, provide the manufacturer name and model number for each source. The quantities of radionuclides in the form of sealed sources that require financial assurance are separate from unsealed materials, and may reduce or eliminate the financial assurance requirement.

- c. The amount of source material (uranium-238) requested in the renewal application does not require provision of financial assurance pursuant to 10 CFR 40.36.

Please find attached a table calculating financial assurance for the requested radionuclides. If you wish to pursue your request for these radionuclides in “any” form, please submit a DFP and the financial assurance instrument. You may include requested material pursuant to 10 CFR Part 30 and 10 CFR Part 70 in the same DFP and financial assurance instrument. Guidance for developing a DFP and models for acceptable financial assurance instruments are in NUREG-1757, “Consolidated NMSS Decommissioning Guidance”, Volume 3, “Financial Assurance, Recordkeeping, and Timeliness”. This guidance may be helpful in formulating your response which can be found on the agency’s website.

2. Your renewal application did not list “any byproduct material with atomic numbers 1 through 83 and half life less than 120 days”, in the form of activated samples, as is on your current license. Please confirm if you wish to have the authorized material removed from the license.
3. Describe the facilities and equipment (e.g., remote handling equipment, storage containers, shielding, fume hoods) to be made available at each location where licensed material will be used. Submit a description of the areas assigned for the receipt, storage, preparation, and measurement of licensed materials. Submit a diagram showing the locations of shielding, the proximity of radiation sources to unrestricted areas, and other items related to radiation safety. For facilities where licensed materials may become airborne, include schematic descriptions of the ventilation system, with pertinent airflow rates, pressures, filtration equipment, and monitoring instruments. Diagrams should be drawn to a specified scale, or dimensions should be indicated.
4. Licensees must develop, implement, and maintain safety procedures for use of licensed material at temporary job sites. Licensees should ensure that offsite transport of licensed material is in compliance with Department of Transportation regulations. Procedures should include: instructions for transport, instructions for maintaining security of licensed material, steps taken to keep exposures ALARA, and steps to maintain accountability during usage. Please provide safety procedures for use of licensed material at temporary job sites.
5. Your application did not address general rules for safe use of radioisotopes. Please confirm that you will develop general rules for safe use of radioisotopes. Appendix P of NUREG-1556, Volume 7 provides general topics for safe use of radioisotopes may be helpful in developing your procedures.

Current NRC regulations and guidance are included on the NRC’s website at www.nrc.gov; select **Nuclear Materials; Medical, industrial, and academic uses of nuclear material**; then **toolkit index page**. Or you may obtain these documents 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).

M. Miller
Department of Justice

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We will continue our review upon receipt of this information. Please reply to the attention of Farrah Gaskins at the Region I Office and refer to Mail Control No. 137768. If you have any technical questions regarding this deficiency letter, please call Farrah Gaskins (610) 337-5143.

In order to continue prompt review of your application, we request that you submit your response to this letter within 30 calendar days from the date of this letter.

Sincerely,

Original signed by Elizabeth Ullrich

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

enclosure:
Financial Assurance Calculation Summary

cc: w/ encl
Leslie M. McCauley, Radiation Safety Officer

DOCUMENT NAME: E:\Filenet\ML053350418.wpd

SISP Review Complete: FGaskins

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