UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

MAR 17 2003

Thomas F. Hensch
Radiation Safety Officer
V.A. Medical Center
One Veterans Drive
Minneapolis, MN 55417

SUBJECT: TERMINATION OF YOUR NRC RADIOACTIVE MATERIALS LICENSE

Dear Mr. Hensch:

In an application dated September 21, 1998, the Department of Veterans Affairs (DVA) requested a Master Materials License (MML) to be issued concurrent with the termination of NRC materials licenses issued to individual Veterans Affairs (VA) Medical Centers throughout the United States. The DVA also submitted financial assurance in the form of a Statement of Intent (SOI) to cover the decommissioning costs for the VA facilities under the MML.

The NRC granted the MML to the DVA on March 17, 2003; accordingly, enclosed you will find amendment number 66 terminating your NRC license. Licensing and inspection activities of your program are now under the authority of the DVA, through its National Health Physics Program (NHPP). However, the NRC will periodically conduct independent inspections of selected VA facilities as part of its bi-annual review of the MML.

Please also note the following:

Enclosed is the SOI that you submitted for financial assurance. It is no longer applicable since the SOI submitted by the DVA for the MML covers all VA facilities. The enclosed SOI has been canceled.

If you have any questions, please call me at 630-829-9887.

Sincerely,

Kevin G. Null
Materials Licensing Branch

License No. 22-01859-01
Docket No. 030-02205

Enclosure: Amendment No. 66
Statement of Intent

cc to: E. Lynn McGuire, Director
National Health Physics Program (115HP/NLR)
Department of Veterans Affairs
Veterans Health Administration
2200 Fort Roots Drive
North Little Rock, Arkansas 72114

DEPARTMENT OF VETERANS AFFAIRS

Memorandum

Date: OCT 16 2003

From: Director, VHA National Health Physics Program (115HP/NLR)

Subj: VHA Radioactive Materials Permit Number 22-01859-01

To: Director (618/00), VA Medical Center, Minneapolis, Minnesota

1. We are forwarding the attached VHA Permit Number 22-01859-01, Amendment No. 67. The amendment is being issued based on your letter of September 30, 2003. The letter was a request to increase the possession limit for Xenon 133.

2. Please review the permit amendment carefully to ensure you understand the permit approvals, authorizations, and conditions. The permit is issued to you as a program code 2110/3610 for broad-scope medical and research uses.

3. You should note future amendment requests can be submitted as VHA correspondence or electronic mail. Electronic mail is preferred to help expedite responses. The e-mail address is vhconhpp@med.va.gov.

4. If you have any questions, please contact Gary E. Williams, VHA National Health Physics Program, at (501) 257-1572.

E. Lynn McGuire

Attachment

Department of Veterans Affairs

Page 1 of 4 pages	**MATERIALS PERMIT**	Amendment No. 67

In accordance with VHA Directive and Handbook 1105.1, and in reliance on statements made by the applicant, permission is hereby granted to receive, possess, transfer, and store radioactive materials listed below, and to use this material for the purpose and at the places listed below.

Permittee	
1. VA Medical Center 2. One Veterans Drive Minneapolis, Minnesota 55417	3. In accordance with **your request of September 30, 2003,** Permit Number 22-01859-01 is amended to read as follows: 4. Expiration date: November 30, 2011 5. Docket or Reference Number: 030-02205

6. Byproduct, source, and/or special nuclear material	7. Chemical and/or physical form	8. Maximum amount permittee may possess at any one time under this permit
A. Any byproduct material with Atomic Numbers 1-83	A. Any	A. 200 millicuries per radionuclide and 15 curies total
B. Hydrogen 3	B. Any	B. 400 millicuries
C. [redacted]		
D. Technetium 99m	D. Any	D. 20 curies
E. Iodine 131	E. Any	E. 1 curie
F. Xenon 133	Any	F. 300 millicuries
G. Samarium 153	Any	G. 1 curie
H. [redacted]	H. Sealed sources	H. [redacted]
I. Americium 241	I. Sealed sources registered pursuant to 10 CFR 32.210 or approved by an Agreement State.	I. 30 millicuries
J. Strontium 90 permitted by 10 CFR 35.1000	J. Sealed sources (BEBIG Model Sr0.S03 or AEAT Model SICW.2)	J. 5 millicuries per source and 800 millicuries total
K. Depleted uranium	K. Solid metal	K. 999 kilograms

9. Authorized Use:

A. through H. Medical diagnosis, therapy, and research in humans. Research and development as defined in 10 CFR 30.4, including animal studies, instrument calibration, student instruction, and *in vitro* studies.

I. Use as anatomical markers and for instrument calibration.

J. Use in Novoste Model A1000 series devices for intravascular brachytherapy; physics calibrations and quality assurance testing.

K. Radiation shielding.

CONDITIONS

10. Permitted material may be used only at the permittee's facilities located at [ ] Minneapolis, Minnesota. EAL

11. A. The Radiation Safety Officer for this permit is Thomas F. Hensch.

    B. The use of permitted material in or on humans shall be by an authorized user as defined in 10 CFR 35.2.

    C. Individuals designated to work as authorized users, authorized nuclear pharmacists, or authorized medical physicists as defined in 10 CFR 35 shall meet the training, experience, and recentness of training criteria established in 10 CFR 35, and shall be designated, in writing, by the permittee's Radiation Safety Committee.

    D. Permitted material for other than human use shall be used by, or under the supervision of, individuals designated by the Radiation Safety Committee.

12. Permitted material shall not be used in field applications where activity is released except as provided otherwise by specific condition of this permit.

13. Experimental animals, or the p[illegible]s from experimental animals, tha[illegible] been administered permitted material shall not be used for h[illegible]nsumption.

14. This permit does not authorize [illegible]al distribution of permitt[illegible]al.

15. For sealed sources not associate[illegible] CFR 35 use, the follow[illegible]ditions apply:

    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 Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State.

    B. Notwithstanding Paragraph A of this permit condition, sealed sources designed to primarily emit alpha particles shall be tested for leakage and/or contamination at intervals not to exceed three months.

    C. Each sealed source fabricated by the permittee 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 a leak test has been made within the intervals specified in the certificate of registration issued by the 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 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 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 National Health Physics Program 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 Nuclear Regulatory Commission regulations.

H. Tests for leakage and/or contamination, including leak test sample collection and analysis, shall be performed by the permittee or by other persons specifically licensed by the Nuclear Regulatory Commission or an Agreement State to perform such services.

16. Sealed sources containing permitted material shall not be opened or sources removed from source holders by the permittee.

17. The permittee shall conduct a physical inventory every six months to account for all sealed sources and/or devices received and possessed under this permit. Records of inventories shall be maintained for five years from the date of each inventory and shall include the radionuclides, quantities, manufacturer's name and model numbers, and the date of the inventory.

18. 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 that prevents the foil temperature from exceeding that specified by the manufacturer and approved by the 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.

19. 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 Nuclear Regulatory Commission or an Agreement State to perform such services.

20. For radioactive material held for decay in storage other than that held in accordance with 10 CFR 35.92, the permittee is authorized to hold radioactive material with a physical half-life of less than 120 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, the waste shall be surveyed at the container surface with the appropriate survey instrument set on its most sensitive scale and with no interposed shielding to determine its radioactivity cannot be distinguished from background. All radiation labels shall be removed or obliterated.

C. A record of each disposal permitted under this permit condition shall be retained for three 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.

21. The permittee is authorized to transport permitted material only in accordance with the provisions of 10 CFR 71, "Packaging and Transportation of Radioactive Material."

22. In addition to the possession limits in Item 8, the permittee shall further restrict the possession of permitted material as follows:

    A. For unsealed sources to quantities less than 10^5 times the applicable limits in Appendix B, 10 CFR 30 as specified in 10 CFR 30.35(d) and

    B. For sealed sources, to quantities less than 10^{10} times the applicable limits in Appendix B, 10 CFR 30 as specified in 10 CFR 30.35(d).

23. A. Pursuant to Sections 20.1302(c) and 20.2002 of 10 CFR 20, the permittee is authorized to dispose of hydrogen 3 and carbon 14 by incineration provided the gaseous effluent from incineration does not exceed the limits specified for air in Appendix B, Table II, 10 CFR 20.

    B. Pursuant to 10 CFR 20.2002, the permittee may dispose of incinerator ash containing hydrogen 3 and carbon 14 as ordinary waste in a landfill provided the concentrations of the radionuclides (in microcuries per gram of ash) at the time of disposal are no greater than one-tenth of the values in Table II, Column 2, 10 CFR 20, Appendix B.

24. Notwithstanding 10 CFR 35.26, the permittee may not deviate from commitments regarding intravascular brachytherapy made in the letter dated January 10, 2002, and e-mail message dated March 14, 2002, attached to the letter dated March 15, 2002, without requesting and receiving a permit amendment authorizing the change, except that authorized users must meet the training and experience requirements in either 10 CFR 35.690 or, until October 25, 2004, 10 CFR 35.940.

25. The permittee shall not perform iodinations with iodine 131 or iodine 125 using quantities in excess of 10 millicuries of iodine 131 or iodine 125 without specific written authorization from the National Health Physics Program.

26. Except as specifically provided otherwise in this permit, the permittee shall conduct its program in accordance with the statements, representations, and procedures contained in documents, including any enclosures, listed below. This permit condition applies only to those procedures required to be submitted in accordance with the regulations. Additionally, this permit condition does not limit the permittee's ability to make changes to the radiation protection program as provided for in 10 CFR 35.26. The Nuclear Regulatory Commission regulations shall govern unless the statements, representations, and procedures in the permittee's application and correspondence are more restrictive than the regulations.

    A. Application dated June 8, 2001 (excluding the Quality Management Program)
    B. Letter dated January 10, 2002
    C. Letter dated March 15, 2002
    D. **Letter dated September 30, 2003 [increase possession limit for Xenon 133]**

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Date OCT 16 2003

By _____
E. Lynn McGuire
Director, National Health Physics Program
North Little Rock, AR