



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

May 22, 2006

U.S. Environmental Protection Agency
National Enforcement Investigations Center
ATTN: Albert I. Ossinger
Radiation Safety Officer
P.O. Box 25227, Building 25
Denver Federal Center
Denver, Colorado 80225-0227

SUBJECT: LICENSE AMENDMENT

On August 9, 2004, the U.S. Environmental Protection Agency, National Enforcement Investigations Center submitted a Final Status Survey Report (FSSR), with a request to release Building 53 at the Denver Federal Center for unrestricted use as defined in 10 CFR Part 20, Subpart E. The NRC staff has completed its review of the FSSR and determined that the report adequately demonstrated that Building 53 is acceptable for unrestricted use. Additionally, the staff performed a confirmatory survey on October 17-19, 2005, as documented in Inspection Report 030-08219/05-001 (ML053180267). The confirmatory survey supports the staff's assessment that Building 53 is acceptable for unrestricted use. The staff subsequently prepared an Environmental Assessment (EA), which concluded there were no significant environmental impacts for the proposed amendment and therefore, an environmental impact statement was not required. The EA was published in the *Federal Register* [71 FR 19907] on April 18, 2006.

Please find enclosed Amendment No. 21 to License No. 05-14892-01, authorizing the release of Building 53 for unrestricted use in accordance with 10 CFR 20.1402, "Radiological criteria for unrestricted use." Additionally Item 8.C. was modified to reduce the possession limit for americium-241 to quantities below the International Atomic Energy Agency's Category 3 amounts for radioactive materials. For those quantities above the Category 3 threshold, the NRC initiates security-related sensitive information handling and marking requirements. This criteria is available in NRC's Regulatory Issue Summary (RIS) 2005-31. The RIS may be located on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/> and the link for frequently asked questions may be located at: <http://www.nrc.gov/reading-rm/sensitive-info/faq.html>.

You should review this license carefully and be sure that you understand all conditions. If you have any questions, please contact me at 817 276-6552.

NRC expects licensees to conduct their programs with meticulous attention to detail and a high standard of compliance. Because of the serious consequences to employees and the public that can result from failure to comply with NRC requirements, you must conduct your radiation safety program according to the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate by NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspection and Investigations," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Notify NRC in writing of any change in mailing address.
3. By 10 CFR 30.36(d) and/or license condition, notify NRC, promptly, in writing, and request termination of the license:
 - a. When you decide to terminate all activities involving materials authorized under the license; or
 - b. If you decide not to complete the facility, acquire equipment, or possess and use authorized material.
4. Request and obtain a license amendment before you:
 - a. Change Radiation Safety Officers;
 - b. Order byproduct material more than the amount or form authorized on the license;
 - c. Add or change the areas or address(es) of use identified in the license application or on the license; or
 - d. Change the name or ownership of your organization.
5. Submit a complete renewal application or termination request at least 30 days before the expiration date on your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of radioactive material after your license expires is a violation of NRC regulations.

In addition, please note that NRC Form 313 requires the applicant, by signature, to verify that the applicant understands that all statements contained in the application are true and correct to the best of the applicant's knowledge. The signatory for the application should be the licensee or certifying official rather than a consultant. Since the NRC also accepts a letter requesting amendment of an NRC license, the signatory for such a request should also be the licensee or certifying official rather than a consultant.

NRC will periodically inspect your radiation safety program. Failure to conduct your program according to NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC may result in enforcement action against you. This could include issuance of a notice of violation; imposition of a civil penalty; or an order suspending, modifying, or revoking your license as specified in the Enforcement Policy. The NRC Enforcement Policy is available on the following internet address: <http://www.nrc.gov/what-we-do/regulatory/enforcement/enforc-pol.pdf>.

The NRC no longer publishes the NRC Rules and Regulations loose leaf supplements due to budget constraints. However, an electronic version of the NRC's regulations is available on the NRC Web site at www.nrc.gov. To view these regulations, highlight "Electronic Reading Room" and choose "Regulations" on the drop down menu. An electronic version of the NUREG-1556 Series publications is also available on the NRC Web site. To view these guidance documents, highlight "Electronic Reading Room"; choose "All Document Types" on the drop down menu; scroll down to "NUREG-Series Publications"; and select "Publications Prepared by the NRC Staff". Then, choose "NUREG-1556" from the table and select the appropriate volume(s) for your license type.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Thank you for your cooperation.

Sincerely,

/RA/

Rachel S. Browder, Health Physicist
Nuclear Materials Licensing Branch

Docket: 030-08219
License: 05-14892-01
Control: 470094

Enclosure: As stated

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. U.S. Environmental Protection Agency National Enforcement Investigations Center</p> <p>2. P.O. Box 25227, Building 25 Denver Federal Center Denver, Colorado 80225-0227</p>	<p>In accordance with letter dated August 9, 2004</p> <p>3. License number 05-14892-01 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date August 31, 2014</p> <hr/> <p>5. Docket No. 030-08219 Reference No.</p>
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<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Any byproduct, source, or special nuclear material with Atomic Nos. 1-96, inclusive</p> <p>B. Nickel-63</p> <p>C. Americium-241</p> <p>D. Cadmium-109</p>	<p>7. Chemical and/or physical form</p> <p>A. Any</p> <p>B. Foils or plated sources registered either with NRC under 10 CFR 32.210 or with an Agreement State and incorporated in a compatible gas chromatograph as specified in Item 9 of this license</p> <p>C. Sealed sources registered either with NRC under 10 CFR 32.210 or with an Agreement State and incorporated in a compatible X-ray fluorescence analyzer as specified in Item 9 of this license</p> <p>D. Sealed sources registered either with NRC under 10 CFR 32.210 or with an Agreement State and incorporated in a compatible X-ray fluorescence analyzer as specified in Item 9 of this license</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. Not to exceed 10 millicuries per radionuclide and 200 millicuries total</p> <p>B. As needed</p> <p>C. Not to exceed 1 millicurie total</p> <p>D. As needed</p>
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9. Authorized use:

- A. For instrument calibration and sample analysis.
- B. To be used for sample analysis in compatible gas chromatography devices that have been registered either with NRC under 10 CFR 32.210 or with an Agreement State and have been distributed in accordance with an NRC or Agreement State specific license authorizing distribution to persons specifically authorized by an NRC or Agreement State license to receive, possess, and use the devices.
- C. and D. To be used for sample analysis in compatible X-ray fluorescence analyzers that have been registered either with NRC under 10 CFR 32.210 or with an Agreement State and have been distributed in accordance with an NRC or Agreement State specific license authorizing distribution to persons specifically authorized by an NRC or Agreement State license to receive, possess, and use the devices.

CONDITIONS

10. A. Licensed material identified in Item 6.A. through 6.D. may be used only at Buildings 25, Denver Federal Center, Denver, Colorado.
- B. Licensed material identified in Item 6.B. through 6.D. may be used at temporary job sites of the licensee anywhere in the United States.
11. A. Licensed material identified in 6.A through 6.D. shall be used by, or under the supervision of, Richard C. Ross or Albert I. Ossinger.
- B. Licensed material identified in 6.B. through 6.D. shall be used by, or under the supervision of Albert I. Ossinger, Richard C. Ross, Steven Macheimer, Carrie Middleton, or Donald Smith.
- C. The Radiation Safety Officer for this license is Albert I. Ossinger.
12. 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 U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State.
- B. 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 U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State prior to the transfer, a sealed source or detector cell received from another person shall not be put into use until tested.
- C. Sealed sources need not be leak 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.

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- D. 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. 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 IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, ATTN: Director, Division of Nuclear Materials Safety. The report shall specify the source involved, the test results, and corrective action taken.
- E. Tests for leakage and/or contamination shall be performed by persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services. In addition, the licensee is authorized to collect leak test samples but not perform the analysis; analysis of leak test samples must be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.
- F. Records of leak test results shall be kept in units of microcuries and shall be maintained for 3 years.
13. Sealed sources or detector cells containing licensed material shall not be opened or sources removed from source holders by the licensee.
14. The licensee shall not use licensed material in or on human beings except as provided otherwise by specific condition of this license.
15. The licensee shall not use licensed material in field applications where activity is released except as provided otherwise by specific condition of this license.
16. The licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.
17. 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 Commission or an Agreement State to perform such services.
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 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.
19. The licensee shall not acquire licensed material in a sealed source or device that contains a sealed source unless the source or device has been registered with the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or with an Agreement State.

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20. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified in 10 CFR 30.35(d) for establishing decommissioning financial assurance.
21. 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 February 04, 2004
 - B. Facsimile received August 04, 2004
 - C. Letter dated August 9, 2004



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

*/RA/*Date: May 22, 2006

By: _____

Rachel S. Browder, Health Physicist
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