



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

October 30, 2006

Docket No. 03032959
Control No. 138579

License No. 09-10672-03

William H. Benson, Ph.D.
Director
U.S. Environmental Protection Agency
Gulf Ecology Division
1 Sabine Island Drive
Gulf Breeze, FL 32561

SUBJECT: U.S. ENVIRONMENTAL PROTECTION AGENCY, CORRECTED COPY OF
LICENSE, CONTROL NO. 138579

Dear Dr. Benson:

Enclosed is the Corrected Copy of Amendment No. 9 for License No. 09-10672-03. Silicon 32 had mistakenly been listed on your license. As stated in our correspondence to you dated August 3, 2006, Silicon 32 is an accelerator produced material which is not regulated by the Nuclear Regulatory Commission. Accordingly, Condition No. 6 has been changed to remove Silicon 32 from the license.

We apologize for any inconvenience this error may have caused.

Sincerely,

Original signed by James P. Dwyer

James P. Dwyer, Chief
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Corrected Copy of Amendment No. 9

cc:
Stephanie Friedman, Ph.D., Radiation Safety Officer

DOCUMENT NAME: C:\FileNet\ML063040392.wpd

SUNSI Review Complete: JDwyer

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NAME	SHammann/STH		JDwyer/JPD					
DATE	10/30/2006		10/30/2006					

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CORRECTED 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. U.S. Environmental Protection Agency Gulf Ecology Division</p> <p>2. 1 Sabine Island Drive Gulf Breeze, Florida 32561</p>	<p>In accordance with the letter dated March 14, 2006,</p> <p>3. License number 09-10672-03 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date April 30, 2013</p> <hr/> <p>5. Docket No. 030-32959 Reference No. 09-10672-02</p>
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<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Hydrogen 3</p> <p>B. Carbon 14</p> <p>C. Phosphorus 32</p> <p>D. Phosphorus 33</p> <p>E. Sulfur 35</p> <p>F. Nickel 63</p> <p>G. Barium 133</p>	<p>7. Chemical and/or physical form</p> <p>A. Any</p> <p>B. Any</p> <p>C. Any</p> <p>D. Any</p> <p>E. Any</p> <p>F. Sealed Sources (DuPont Merck Radiopharmaceutical Model NER-004P, AEA Technology Model NBCD)</p> <p>G. Sealed Sources (Packard Model 2500TR)</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. 25 millicuries</p> <p>B. 100 millicuries</p> <p>C. 25 millicuries</p> <p>D. 25 millicuries</p> <p>E. 50 millicuries</p> <p>F. No single source to exceed the maximum activity specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission or an Agreement State</p> <p>G. No single source to exceed the maximum activity specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission or an Agreement State</p>
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9. Authorized use:

A. through E. Research and development as defined in 10 CFR 30.4.

F. To be used for sample analysis in compatible gas chromatography devices that have been registered either with the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or with an Agreement State and have been distributed in accordance with a Commission or Agreement State specific license authorizing distribution to persons specifically authorized by a Commission or Agreement State license to receive, possess, and use the devices.

G. Calibration of analytical instruments.

CONDITIONS

10. Licensed material may be used or stored only at the licensee's facilities located at the Gulf Ecology Division, 1 Sabine Island Drive, Gulf Breeze, Florida; at 512 Caribbean Avenue, Key Largo, Florida; and may be used and stored on-board ships at temporary job sites in U.S. coastal waters, at sea, and in inland waters as stated in the letter dated March 2, 2006.
11. Licensed materials shall be used by, or under the supervision of, Richard Devereux, Janice C. Kurtz, Ph.D., Deborah L. Santavy, Ph.D., Michael Murrell, Ph.D., Rebecca L. Hemmer, Sherry Wilkinson, and Stephanie Friedman, Ph.D.
12. The Radiation Safety Officer for this license is Stephanie Friedman, Ph.D.
13. The licensee shall not use licensed material in or on human beings except as provided otherwise by specific condition of this license.
14. The licensee shall not use licensed material in field applications where it is released except as provided otherwise by specific condition of this license.
15. The licensee shall conduct a physical inventory every six months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license. Records of inventories shall be maintained for five years from the date of the inventory and shall include the radionuclides, quantities, manufacturer's name and model numbers, and the date of the inventory.
16. 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.

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17. Sealed sources or detector cells containing licensed material shall not be opened or sources removed from source holders by the licensee.
18. 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 U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of 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 the U.S. 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.
- C. 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.
- D. 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 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.
- E. The test shall be capable of detecting the presence of 0.005 microcuries (185 becquerels) of radioactive material on the test sample. If the test reveals the presence of 0.005 microcuries (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.
- F. Tests for leakage and/or contamination, limited to leak test sample collection, shall be performed by the licensee or by other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.
- G. Records of leak tests shall be kept in units of microcuries and shall be maintained for 5 years.
19. The licensee is authorized to hold radioactive material with a physical half-life of less than 120 days for decay-in-storage before disposal without regard to its radioactivity if it:
- 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

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- 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.
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. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Materials."
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 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. Letter dated March 24, 1995 [ML031120654]
B. Application dated October 29, 2002 [ML023090289]
C. Letter dated March 2, 2006 [ML060720450]

For the U.S. Nuclear Regulatory Commission

Date October 30, 2006

By ***Original signed by Stephen Hammann***

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