



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

February 6, 2007

Docket No. 03030478
Control No. 140012

License No. 37-28173-01

Richard Kaplan
Vice President
Cephalon, Inc.
World Wide Environmental, Health & Safety
145 Brandywine Parkway
West Chester, PA 19380

SUBJECT: CEPHALON, INC., LICENSE AMENDMENT, CONTROL NO. 140012

Dear Dr. Kaplan:

This refers to your license amendment request. Enclosed with this letter is the amended license.

Please review the enclosed document carefully and be sure that you understand and fully implement all the conditions incorporated into the amended license. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region I Office, Licensing Assistance Team, (610) 337-5239, so that we can provide appropriate corrections and answers.

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14).

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial 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 8:00 p.m. EST, Monday through Friday (except Federal holidays).

Thank you for your cooperation.

Sincerely,

Original signed by Michelle Beardsley

Michelle Beardsley
Senior Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Amendment No. 17

R. Kaplan
Cephalon, Inc.

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cc:
Steve Huntzinger, Radiation Safety Officer

DOCUMENT NAME: C:\FileNet\ML070400147.wpd

SUNSI Review Complete: MBeardsley

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NAME	MBeardsley /MRB/						
DATE	2/6/07						

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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>Licensee</p> <p>1. Cephalon, Inc.</p> <p>2. 145 Brandywine Parkway West Chester, Pennsylvania 19380-4245</p>	<p>In accordance with the letter dated January 26, 2007,</p> <p>3. License number 37-28173-01 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date July 31, 2014</p> <hr/> <p>5. Docket No. 030-30478 Reference No.</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. Calcium 45</p> <p>H. Iodine 125</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. Any</p> <p>H. Non-volatile Compounds</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. 300 millicuries</p> <p>B. 10 millicuries</p> <p>C. 50 millicuries</p> <p>D. 10 millicuries</p> <p>E. 5 millicuries</p> <p>F. 5 millicuries</p> <p>H. 25 millicuries</p>
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9. Authorized use:

A. through H. Research and development as defined in 10 CFR 30.4; animal studies.

CONDITIONS

10. Licensed material may be used or stored only at the licensee's facilities located at 145 Brandywine Parkway, West Chester, Pennsylvania.

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11. A. Licensed material shall be used by, or under the supervision of, James Chovan, Jean Husten, Bruce Jones or Kevin Smith. Licensed material listed in 6.A. through 6.E. above may also be used by or under the supervision of Mangeng Cheng, Herve Schaffhauser, or Chrysanthe Spais.
- B. The Radiation Safety Officer for this license is Steven D. Huntzinger.
12. The licensee shall not use licensed material in or on human beings except as provided otherwise by specific condition of this license.
13. The licensee shall not use licensed material in field applications where activity is released except as provided otherwise by specific condition of this license.
14. Experimental animals, or the products from experimental animals, that have been administered licensed materials shall not be used for human consumption.
15. The licensee 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. Waste to be disposed of in this manner shall be held for decay a minimum of ten 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 that its radioactivity cannot be distinguished from background. All radiation labels shall be removed or obliterated.
- C. A record of each such disposal permitted under this License 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.
16. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

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17. 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 January 22, 2004 (ML040430542)
 - B. Letter dated April 14, 2004 (ML041240513)
 - C. Letter dated June 21, 2004 (ML041840420)
 - D. Letter dated January 26, 2007 (ML070300516)



For the U.S. Nuclear Regulatory Commission

Date February 6, 2007By ***Original signed by Michelle Beardsley***

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