

# ACCEPTANCE REVIEW MEMO (ARM)

**Licensee:** Lovelace Respiratory Research      **License No.:** 30-29237-01  
**Docket No.:** 030-37312      **Mail Control No.:** 471355  
**Type of Action:** Amend      **Date of Requested Action:** 04-25-07  
**Reviewer Assigned:** ARM reviewer(s): Torres

Response	Deficiencies Noted During Acceptance Review
	[ ] Open ended possession limits. Limit possession. Submit inventory. [ ] Submit copies of most recent leak test results. [ ] Add - delete IC license condition. Add IC paragraph in cover letter. [ ] Split license from cover letter. Add SUNSI marking to license. [ ] Ask the licensee if they have any type-amount of EPAAct Material.

**Reviewer's Initials:** \_\_\_\_\_ **Date:** \_\_\_\_\_

<input type="checkbox"/> Yes	<input type="checkbox"/> No	Unrestricted release Group 2 or >: Transfer memo to FCDB within 10 days.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Decommissioning notification should be completed within 30 days.
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Termination request < 90 days from date of expiration
<input type="checkbox"/> Yes	<input type="checkbox"/> No	Expedite (medical emergency, no RSO, location of use/storage not on license, RAM in possession not on license, other)
<input type="checkbox"/> Yes	<input type="checkbox"/> No	TAR needed to complete action.

**Branch Chief's and/or Sr. HP's Initials:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**SUNSI Screening according to RIS 2005-31**

Yes     No    **Non-Publicly Available, Sensitive** if any item below is checked

General guidance:

- \_\_\_\_\_ RAM = or > than Category 3 (Table 1, RIS 2005-31), use Unity Rule
- \_\_\_\_\_ Exact location of RAM (whether = or > than Category 3 or not)
- \_\_\_\_\_ Design of structure and/or equipment (site specific)
- \_\_\_\_\_ Information on nearby facilities
- \_\_\_\_\_ Detailed design drawings and/or performance information
- \_\_\_\_\_ Emergency planning and/or fire protection systems

Specific guidance for medical, industrial and academic (above Category 3):

- \_\_\_\_\_ RAM quantities and inventory
- \_\_\_\_\_ Manufacturer's name and model number of sealed sources & devices
- \_\_\_\_\_ Site drawings with exact location of RAM, description of facility
- \_\_\_\_\_ RAM security program information (locks, alarms, etc.)
- \_\_\_\_\_ Emergency Plan specifics (routes to/from RAM, response to security events)
- \_\_\_\_\_ Vulnerability/security assessment/accident-safety analysis/risk assess
- \_\_\_\_\_ Mailing lists related to security response

**Branch Chief's and/or Sr. HP's Initials:** RTZ      **Date:** 4-25-07

## Pre-Licensing Screening

### Applicant Information:

Control No. 471355

Name: Lovelace Respiratory Research	Type of Request: Amend Program Code(s):
Location: NM	License No.: 30-29237-01      Docket No.: 030-37312

### STEP 1—Radioactive Materials and Quantities Requested:

<b>Instructions for Step 1: Complete Step 1 for all applications.</b> If all your responses in Step 1 are "No" then do not complete Step 2 (Screening Criteria). Sign and date the completed step-sheet and add it as the sensitive and non-publicly available OAR in ADAMS. If a "yes" response is indicated for any item in Step 1, also complete Step 2. If the type of use is subject to a Security Order or the requirements for increased controls, complete Step 3 (Item A or Item B) without delay.	Yes or No
A. The request is from a new applicant.	No
B. NUREG-1556, Volume 20, Section 4.9 indicates a licensing site visit is needed for the requested type of use, e.g., (1) Type A broad scope license, (2) panoramic irradiator containing > 10000 curies, (3) manufacturers or distributors using unsealed radioactive material or significant quantities of sealed material, (4) radioactive waste brokers, (5) radioactive waste incinerators, (6) commercial nuclear laundries, and (7) any other application that in the judgement of the reviewer and cognizant supervisor involves complex technical issues, complex safety questions, or unprecedented issues that warrant a site visit.	No
C. The applicant requested certain radionuclides and quantities that equal or exceed the Risk Significant Quantity (TBq) values in the table, below, that have been "highlighted" by the reviewer	No

### Table of Risk Significant Quantities

(Category 2 Quantities, IAEA Safety Guide No. RS-G-1.9, Categorization of Radioactive Sources, August 2005)

Radionuclide	Risk Significant Quantity (TBq <sup>1</sup> )	Risk Significant Quantity (Ci <sup>1</sup> )	Radionuclide	Risk Significant Quantity (TBq <sup>1</sup> )	Risk Significant Quantity (Ci <sup>1</sup> )
Am-241	0.6	16	Pm-147	400	11,000
Am-241/Be	0.6	16	Pu-238	0.6	16
Cf-252	0.2	5.4	Pu-239/Be	0.6	16
Cm-244	0.5	14	Ra-226 <sup>2</sup>	0.4	11
Co-60	0.3	8.1	Se-75	2	54
Cs-137	1	27	Sr-90 (Y-90)	10	270
Gd-153	10	270	Tm-170	200	5,400
Ir-192	0.8	22	Yb-169	3	81

<sup>1</sup> The primary values are TBq. The curie (Ci) values are for informational purposes only.

<sup>2</sup> The Atomic Energy Act, as amended by the Energy Policy Act of 2005, authorizes NRC to regulate Ra-226 and NRC is in the process of amending its regulations for discrete sources of Ra-226.

Calculations of the Total Activity or the Unity Rule are attached to document whether or not the screening criteria in Step 2 were also completed to evaluate the application. <b>NOTE—If an amendment of an existing license is being requested, the calculations will include the previously authorized quantities for the radionuclide(s).</b>	Yes, No, or Not Applicable (NA)
Total Activity—multiple activities are requested for a single radionuclide and the sum of the activities equals or exceeds the quantity of concern for the radionuclide	—
Unity Rule—multiple radionuclides are requested and the sum of the ratios equals or exceeds unity, e.g., [(total activity for radionuclide A) ÷ (risk significant quantity for radionuclide A)] + [(total activity for radionuclide B) ÷ (risk significant quantity for radionuclide B)] ≥ 1.0.	—

### Signature and Date for Step 1:

RTC 4-26-07

License Reviewer and Date



April 25, 2007

Jacqueline Cook  
DNMS/NMLB  
U.S. NRC Region IV  
Texas Health Resources Tower  
611 Ryan Plaza, Suite 400  
Arlington, TX 76011-4005

Dear Ms. Cook:

Lovelace Respiratory Research Institute (LRRI) is requesting amendment of its NRC license, number 30-29237-01. The purpose of the amendment is to request authorization of a new radiation safety officer (RSO). The previously authorized RSO, Joseph Mauser, resigned from LRRI and has been replaced by acting RSO, Stanley Fitch.

If NRC approves Mr. Fitch as permanent RSO, the following license condition requires amending:

Condition 11.B. Replace the current text with, "The Radiation Safety Officer for this license is Stanley A. Fitch, CHP, RRPT."

Mr. Fitch is an employee of LRRI. His credentials are provided in Item 7 of the attached NRC Form 313.

Items 5, 6, and 8-11 on Form 313 are uncompleted because they are not affected or otherwise changed by the scope of the application. In addition, per footnote 1 of 10CFR§ 170.31, no license fee is enclosed because the amendment would not place the license in a higher fee category or add a new fee category.

Please contact me at (505) 348-9672 if you have any questions or comments. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Scott Q. Weiner". The signature is written in a cursive style.

Scott Weiner  
LRRI ES&H Manager

attachment – NRC Form 313

cc: file

*Curing Respiratory Disease*

Lovelace Respiratory Research Institute

2425 Ridgecrest Drive SE • Albuquerque, New Mexico 87108 • Phone 505-348-9400 • Fax 505-348-8567 • www.LRRI.org

4 7 1 3 5 5

<b>NRC FORM 313</b> (10-2005) 10 CFR 30, 32, 33, 34, 35, 36, 39, and 40	<b>U.S. NUCLEAR REGULATORY COMMISSION</b>	<b>APPROVED BY OMB: NO. 3150-0120</b> Estimated burden per response to comply with this mandatory collection request: 4.4 hours. Submittal of the application is necessary to determine that the applicant is qualified and that adequate procedures exist to protect the public health and safety. Send comments regarding burden estimate to the Records and FOIA/Privacy Services Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0120), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.
<b>APPLICATION FOR MATERIAL LICENSE</b>		
<b>EXPIRES: 10/31/2008</b>		

**INSTRUCTIONS: SEE THE APPROPRIATE LICENSE APPLICATION GUIDE FOR DETAILED INSTRUCTIONS FOR COMPLETING APPLICATION. SEND TWO COPIES OF THE ENTIRE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.**

<b>APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:</b>  DIVISION OF INDUSTRIAL AND MEDICAL NUCLEAR SAFETY OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS U.S. NUCLEAR REGULATORY COMMISSION WASHINGTON, DC 20555-0001	<b>IF YOU ARE LOCATED IN:</b>  <b>ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND APPLICATIONS TO:</b>  MATERIALS LICENSING BRANCH U.S. NUCLEAR REGULATORY COMMISSION, REGION III 2443 WARRENVILLE ROAD, SUITE 210 LISLE, IL 60532-4352
<b>ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS:</b>  <b>IF YOU ARE LOCATED IN:</b>  ALABAMA, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, FLORIDA, GEORGIA, KENTUCKY, MAINE, MARYLAND, MASSACHUSETTS, MISSISSIPPI, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, PUERTO RICO, RHODE ISLAND, SOUTH CAROLINA, TENNESSEE, VERMONT, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA, SEND APPLICATIONS TO:  LICENSING ASSISTANCE TEAM DIVISION OF NUCLEAR MATERIALS SAFETY U.S. NUCLEAR REGULATORY COMMISSION, REGION I 475 ALLENDALE ROAD KING OF PRUSSIA, PA. 19406-1415	ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, HAWAII, IDAHO, KANSAS, LOUISIANA, MONTANA, NEBRASKA, NEVADA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, OREGON, PACIFIC TRUST TERRITORIES, SOUTH DAKOTA, TEXAS, UTAH, WASHINGTON, OR WYOMING, SEND APPLICATIONS TO:  NUCLEAR MATERIALS LICENSING BRANCH U.S. NUCLEAR REGULATORY COMMISSION, REGION IV 611 RYAN PLAZA DRIVE, SUITE 400 ARLINGTON, TX 76011-4005
<b>PERSONS LOCATED IN AGREEMENT STATES SEND APPLICATIONS TO THE U.S. NUCLEAR REGULATORY COMMISSION ONLY IF THEY WISH TO POSSESS AND USE LICENSED MATERIAL IN STATES SUBJECT TO U.S. NUCLEAR REGULATORY COMMISSION JURISDICTIONS.</b>	

<b>1 THIS IS AN APPLICATION FOR (Check appropriate item)</b> <input type="checkbox"/> A. NEW LICENSE <input checked="" type="checkbox"/> B. AMENDMENT TO LICENSE NUMBER 30-29237-01 <input type="checkbox"/> C. RENEWAL OF LICENSE NUMBER	<b>2 NAME AND MAILING ADDRESS OF APPLICANT (Include ZIP code)</b> Lovelace Respiratory Research Institute 2425 Ridgecrest Drive, SE Albuquerque, New Mexico 87108
<b>3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED</b> Lovelace Respiratory Research Institute Building 9200, Area Y Kirtland Air Force Base East Albuquerque, New Mexico 87115	<b>4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION</b> Scott A. Weiner, ES&H Manager  <b>TELEPHONE NUMBER</b> (505) 348-9672

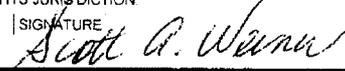
SUBMIT ITEMS 5 THROUGH 11 ON 8-1/2 X 11" PAPER. THE TYPE AND SCOPE OF INFORMATION TO BE PROVIDED IS DESCRIBED IN THE LICENSE APPLICATION GUIDE.

<b>5. RADIOACTIVE MATERIAL</b> a. Element and mass number; b. chemical and/or physical form; and c. maximum amount which will be possessed at any one time.	<b>6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED.</b>
<b>7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING EXPERIENCE.</b>	<b>8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.</b>
<b>9. FACILITIES AND EQUIPMENT.</b>	<b>10. RADIATION SAFETY PROGRAM.</b>
<b>11 WASTE MANAGEMENT</b>	<b>12. LICENSE FEES (See 10 CFR 170 and Section 170.31)</b> FEE CATEGORY 3.M.      AMOUNT ENCLOSED \$ 0.00

**13. CERTIFICATION. (Must be completed by applicant) THE APPLICANT UNDERSTANDS THAT ALL STATEMENTS AND REPRESENTATIONS MADE IN THIS APPLICATION ARE BINDING UPON THE APPLICANT.**

THE APPLICANT AND ANY OFFICIAL EXECUTING THIS CERTIFICATION ON BEHALF OF THE APPLICANT, NAMED IN ITEM 2, CERTIFY THAT THIS APPLICATION IS PREPARED IN CONFORMITY WITH TITLE 10, CODE OF FEDERAL REGULATIONS, PARTS 30, 32, 33, 34, 35, 36, 39, AND 40, AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF.

WARNING: 18 U.S.C. SECTION 1001 ACT OF JUNE 25, 1948 62 STAT. 749 MAKES IT A CRIMINAL OFFENSE TO MAKE A WILLFULLY FALSE STATEMENT OR REPRESENTATION TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES AS TO ANY MATTER WITHIN ITS JURISDICTION

<b>CERTIFYING OFFICER - TYPED/PRINTED NAME AND TITLE</b> Scott A. Weiner, ES&H Manager	<b>SIGNATURE</b> 
	<b>DATE</b> 05/09/07

FOR NRC USE ONLY					
TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
			\$		
<b>APPROVED BY</b>				<b>DATE</b>	

**ITEM 7. Individual(s) Responsible for Radiation Safety Program and Their Training Experience.**

Stanley A. Fitch will be the permanent Radiation Safety Officer (RSO). His credentials are as follows:

- Comprehensive certification by the American Board of Health Physics (ABHP)
- Bachelor of Science in Radiation Protection from Thomas Edison State College in Trenton, New Jersey
- Certified by the National Registration of Radiation Protection Technologists (NRRPT)
- Certified as a Radiological Control Technician in 1987 and 1995 by the Department of Energy (DOE)
- Over 20 years experience in the control of radioactive material, radioactive contaminants and radiation on –
  - Title 1 and 2 projects on the Uranium Mill Tailings Remediation Action Project (UMTRA); lead RCT and HP Supervisor; analytical lab and instrument calibration manager; and dosimetrist
  - Health physicist and RCT for the Facilities directorate at Sandia National Laboratories in Albuquerque, New Mexico, providing radiation protection oversight on projects affected by defense and research activities of this DOE laboratory
  - Albuquerque office manager and radiation specialist with the Radiation Control Bureau of the New Mexico Environment Department (NMED)
  - Vice-President of Trinitek Services, LC, a health physics and medical health consulting company in Albuquerque, New Mexico

Mr. Fitch is extensively trained in the control of a broad range of radioisotopes and sources of radiation. This training includes NMED and NRC-required instruction for materials inspectors and DOE-required instruction for health physicists in defense and research related applications of SNM, transuranics, materials, and high-energy particle accelerators. The scope of his training also encompasses the control of releases of radioactive material and radiation to protect the public and environment.

Mr. Fitch has worked in a number of positions and working groups in support of the Organization of Agreement States, the Conference of Radiation Control Program Directors, and the Nuclear Regulatory Commission in the promulgation of national standards governing the safe use and security of materials and radiation across the nation.



**Lovelace Respiratory Research Institute**  
**2425 Ridgecrest Dr. SE**  
**Albuquerque, NM 87108**

**FAX**

**Date:** April 25, 2007

**Number of Pages:** 4 (including this page)

**TO:**  
Jacqueline Cook  
NRC Region IV

**FROM:**  
Scott Weiner, Es&H Manager  
LRRI

**Phone:** (817) 860-8132

**Phone:** 505-348-9672

**Fax:** (817) 860-8263

**Fax:** 505-348-9702

**CC:** \_\_\_\_\_

**CC:** \_\_\_\_\_

**MESSAGE:**

The original and required copies are being sent U.S. Mail. Thank you for your attention.

BETWEEN:  
License Fee Management Branch, ARM  
and  
Regional Licensing Sections

: (FOR LFMS USE)  
: INFORMATION FROM LTS  
: -----  
:  
: Program Code: 03620  
: Status Code: 0  
: Fee Category: 3M  
: Exp. Date: 20160831  
: Fee Comments:  
: Decom Fin Assur Req: N  
: ::::::::::::::::::::::::::::::::::::::

LICENSE FEE TRANSMITTAL

A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: LOVELACE RESPIRATORY RESEARCH INSTI  
Received Date: 20070425  
Docket No: 3037312  
Control No.: 471355  
License No.: 30-29237-01  
Action Type: Amendment

2. FEE ATTACHED

Amount: \_\_\_\_\_  
Check No.:   /  

3. COMMENTS

Signed Colleen Munnahan  
Date 4-26-07

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered /\_/)

1. Fee Category and Amount: \_\_\_\_\_

2. Correct Fee Paid. Application may be processed for:  
Amendment \_\_\_\_\_  
Renewal \_\_\_\_\_  
License \_\_\_\_\_

3. OTHER \_\_\_\_\_  
\_\_\_\_\_

Signed \_\_\_\_\_  
Date \_\_\_\_\_