

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

June 4, 2007

License No.

19-00915-03

 Docket No.
 03004530

 Control No.
 139278

John T. Jensen Director, Radiation Safety Staff/RSO United States Department of Agriculture Office of Procurement & Property Management Radiation Safety Staff 5501 Sunnyside Avenue, Mailstop 5510 Beltsville, MD 20705

SUBJECT: UNITED STATES DEPARTMENT OF AGRICULTURE, LICENSE AMENDMENT, CONTROL NO. 139278

Dear Mr. Jensen:

This refers to your letter dated August 30, 2006, requesting amendment to your license and authorization to release the radioactive waste burial sites located at your facilities at Moore Air Base in Mission, Texas. Enclosed with this letter is the amended license. The waste burial sites at Moore Air Base may be released for unrestricted use.

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 <u>www.nrc.gov</u>; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material;** then **Regulations, Guidance, and Communications.** You may also 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 Sattar Lodhi, Ph.D.

Sattar Lodhi, Ph.D. Senior Health Physicist Materials Security and Industrial Branch Division of Nuclear Materials Safety J. Jensen United States Department of Agriculture

Enclosure: Amendment No. 125

CC:

Ronald F. Korcak, Ph.D., Chairman, Radiation Safety Committee

J. Jensen United States Department of Agriculture

DOCUMENT NAME: C:\FileNet\ML071560021.wpd

SUNSI Review Complete: <u>SLodhi</u> After declaring this document "An Official Agency Record" it <u>will</u> be released to the Public.

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OFFICE	DNMS/RI	Ν	DNMS/RI	DNMS/RI	
NAME	SLodhi /ASL/				
DATE	56/4/07				

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NRC FORM 374	U.S. NUCLEAR REGULAT	ORY COMMISSION	PAGE <u>1</u> OF <u>6</u> PAGES Amendment No. 125		
	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 beretofore 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.					
Licensee		In accordance wi	th the letter dated		
		August 30, 2006,			
1. United States Department of Agr	iculture	3. License number	19-00915-03 is amended in		
Office of Procurement & Property	/ Management	its entirety to read	d as follows:		
Radiation Safety Staff	CLER	-401			
2. 5601 Sunnyside Avenue, Mailsto	p 5510	4. Expiration date	Aarch 31, 2016		
Beltsville, Maryland 20705		5. Docket No. 030-	04530		
5		Reference No.	P		
 6. Byproduct, source, and/or special nuclear material A. Any byproduct material with atomic numbers 1 through 83 and a half-life less than or equal to 120 days B. Any byproduct material with atomic numbers 1 through 83 and a half-life greater than 120 days C. Any byproduct material with atomic numbers 1 through 95 	 7. Chemical and/or p A. Any, except set B. Any, except set C. Sealed or plate described in th March 7, 2006 	ealed sources ealed sources ed sources as he letter dated	 8. Maximum amount that licensee may possess at any one time under this license A. 1 curie total B. See Condition 13 C. 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 		
D. Any byproduct material identified in 10 CFR 35.100	D. Any radiopharn identified in 10	maceutical CFR 35.100	D. As needed		
9. Authorized use:					
A through C. Desserve and devel	opmont on defined in	10 CED 20 4 inclu	ding onimal studios: in coursing and		
 A. mough C. Research and developmeasuring devices, D. Studies on human research su that has been approved by the 	and in field studies. bjects as approved b Food and Drug Adm	y a Radioactive Dri inistration (FDA).	ug Research Committee (RDRC)		

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		CONDITIONS					
10.	Licensed ma temporary jol Radiation Sa used on the p equivalent re	terial may be used at locations and facilities of b sites of the licensee anywhere in the United fety Committee, except that licensed material premises of a medical institution licensed purs gulations of an Agreement State.	of the U.S. Department of Agriculture and at States, as authorized by the licensee's for research studies in humans shall not be suant to Section 35.11 of 10 CFR Part 35 or				
11.	 Licensed material shall only be used by, or under the supervision of, individuals designated, in writing, b the Radiation Safety Committee. The licensee shall maintain records of individuals designated as users for 3 years following the last use of licensed material by the individual. The use of licensed material in o on humans shall be by a physician, dentist, or podiatrist as defined in 10 CFR 35.2. 						
12.	The Radiatio	n Safety Officer for this license is John T. Jer	isen.				
13.	If only one radionuclide is possessed, the possession limit is the quantity which is less than or equal to 10 ⁵ times the applicable quantity specified for that radionuclide in Appendix B to 10 CFR Part 30. If two or more radionuclides are possessed, the possession limit is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to 10 ⁵ times the applicable quantity specified for that radionuclide in Appendix B to 10 CFR Part 30. If two or determine the ratio of the quantity possessed to 10 ⁵ times the applicable quantity specified for that radionuclide in Appendix B to 10 CFR Part 30. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.						
14.	In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material at a single location to quantities below the limits specified in 10 CFR 30.72 which require consideration of the need for an emergency plan for responding to a release of licensed material.						
15.	The licensee shall not use licensed material in or on human beings except as provided otherwise by specific condition of this license.						
16.	Experimenta materials sha	l animals, or the products from experimental a all not be used for human consumption.	animals, that have been administered licensed				
17.	The licensee accordance v human resea	The licensee shall possess and use byproduct material for "medical use", as defined in 10 CFR 35.2, in accordance with the prescriptive and performance criteria in all sections of 10 CFR Part 35 applicable to human research subjects and the uses listed in 10 CFR 35.100.					
18.	The licensee otherwise by	shall not use licensed material in field applica specific condition of this license.	ations where it is released except as provided				
19.	. Sealed sources or source rods containing licensed material shall not be opened or sources removed or detached from source rods or gauges by the licensee, except as specifically authorized.						

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	•	Coolod					
20.	20. A. Sealed sources shall be tested for leakage and/or co months or at the intervals specified in the certificate of Regulatory Commission under 10 CFR 32.210 or uno State.			f registration issued by the U.S. Nuclear er equivalent regulations of an Agreement			
	B.	Notwith particle	standing Paragraph A of this Condition, sealed s shall be tested for leakage and/or contamina	d sources designed to primarily emit alpha tion at intervals not to exceed 3 months.			
	C. In the absence of a certificate from a transferor indicating that a leak test has been mintervals specified in the certificate of registration issued by the U.S. Nuclear Regulate under 10 CFR 32.210 or under equivalent regulations of an Agreement State, prior to sealed source received from another person shall not be put into use until tested and received.						
	D.	D. Sealed sources need not be tested if they contain only hydrogen-3; or they contain only a radioac gas; or the half-life of the isotope is 30 days or less; or they contain not more than 100 microcurie beta- and/or gamma-emitting material or not more than 10 microcuries of alpha-emitting material.					
	E.	Sealed are ren the req stored	sources need not be tested if they are in stora noved from storage for use or transferred to an uired leak test interval, they shall be tested bef for a period of more than 10 years without bein	age and are not being used; however, when they nother person and have not been tested within fore use or transfer. No sealed source shall be ng tested for leakage and/or contamination.			
	F.	The lea radioac (185 be Regula immedi Commi	ak test shall be capable of detecting the presen- etive material on the test sample. If the test reve ecquerels) or more of removable contamination tory Commission in accordance with 10 CFR 3 ately from service and decontaminated, repaire ssion regulations.	tice of 0.005 microcurie (185 becquerels) of veals the presence of 0.005 microcurie n, a report shall be filed with the U.S. Nuclear 0.50(c)(2), and the source shall be removed ed, or disposed of in accordance with			
	G.	Tests for perform Commi	k test sample collection and analysis, shall be cally licensed by the U.S. Nuclear Regulatory services.				
	H.	Record	s of leak test results shall be kept in units of m	icrocuries and shall be maintained for 5 years.			
21.	. The licensee shall conduct a physical inventory every six months, or at other intervals approved b U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and pos under the license. Records of inventories shall be maintained for 5 years from the date of each ir and shall include the radionuclides, quantities, manufacturer's name and model numbers, and the the inventory.						

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22.	Mai perf Reg	ntenance, re ormed only julatory Con	∋pair, clean by the devi nmission or	ing, replac ce manufa an Agree	cement, and di acturer or othe ment State to	isposal er perso perform	of foils containe ns specifically a n such services	ed in detecto authorized by	r cells / the l	₃ shall J.S. N	be lucle	ar
23.	A.	Detector ce conjunctior temperatur 10 CFR 32	ells containi with a pro es from exe .210.	ng a titani perly oper peeding th	ium tritide foil o rating temperation at specified in	or a sca ture cor ⊢the cer	ndium tritide fo htrol mechanisn tificate of regisi	il shall only b n which prev tration referre	e use ents t ed to	ed in he foil in	Ι	
	В.	When in us the outside	se, detector	cells cont	taining a titaniu	um tritid	e foil or a scan	dium tritide f	oil sha	all be	vent	ed to
24.	4. Each portable nuclear gauge shall have a lock or outer locked container designed to prevent unauthorize or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport or storage, or when not under the direct surveillance of an authorized user.					rized t be						
25.	. Any cleaning, maintenance, or repair of the gauges that requires detaching the source or source rod from the gauge shall be performed only by the manufacturer or by other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.				from Ie							
26.	A.	If the licens licensee sh and other a below the s shall imple measurem	see uses ur all use surf appropriate surface. If i ment proce ents.	ishielded s ace casin procedure t is not fea dures to e	sealed sources g that extends es to reduce th asible to exten ensure that the	s extend from the proba d the ca cased	ded more than the lowest depth ability of the sou asing 12 inches hole is free of c	3 feet below to 12 inches urce or probe above the s obstruction be	the si abov becc urface efore	urface /e the oming e, the makir	, the surfa lodg licer ig	; ace jed isee
	B.	If a sealed becomes a licensee sh 10 CFR 30 obtaining th	source or a pparent tha all notify th .50(b)(2) an ne Commis	r probe co it efforts to e U.S. Nu id (c). Th sion's pric	ntaining seale o recover the s clear Regulato le licensee sha or written conse	d sourc sealed s ory Com all not al ent.	es becomes loo source or probe imission and su pandon the sea	dged below the may not be ubmit the repuled source of	he su succe ort re r prot	rface essful, quirec be with	and the 1 by าout	it
27.	The 120	licensee is days for de	authorized cay-in-stora	to hold by age before	product mater disposal with	rial with out rega	a physical half- ard to its radioa	life of less th activity if the l	ian or icens	∙equa ee:	l to	
	A.	Monitors by cannot be survey met	/product ma distinguishe er set on it:	aterial at t d from the most ser	he surface bef e background nsitive scale ar	fore disp radiatio nd with	oosal and deter n level with an no interposed s	mines that it appropriate r shielding; and	s radi adiati d	oactiv ion de	ity tecti	on
	В.	Removes o containers licensee; a	or obliterate and that wi nd	s all radia Il be mana	tion labels, exe aged as biome	cept for dical wa	radiation labels aste after they l	s on material have been re	s that lease	: are w d fron	<i>v</i> ithin n the) Ə

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	C.	Maintain of dispo at the s	ns records of the disposal of licensed materials osal, the survey instrument used, the backgrou urface of each waste container, and the name	s for 3 years. The record must include the date nd radiation level, the radiation level measured of the individual who performed the disposal.				
28.	Pur mat spe	suant to terial by i cified for	10 CFR 20.1302(c) and 10 CFR 20.2002, the ncineration, provided the gaseous effluent from air in Appendix B, Table II, 10 CFR Part 20.	licensee is authorized to dispose of licensed n incineration does not exceed the limits				
29.	Pursuant to 10 CFR 20.2002, the licensee may dispose of incinerator ash containing radioactive mater with atomic numbers 1 through 83, except as identified below, as ordinary waste in a landfill provided the concentration of radionuclides (in microcuries per gram of ash) at the time of disposal are no greater than the values of Table II, Column 2, 10 CFR Part 20, Appendix B. For hydrogen-3, carbon-14, aluminum-26, chlorine-36, silver-108m, niobium-94, iodine-129, technetium-99, and thallium-204, the concentration can be no greater than one-tenth of the value in Table II, Column 2, 10 CFR Part 20, Appendix B. If more than one radionuclide is present in the ash, then the sum of fractions rule applies.							
30.	A.	The lice located	ensee is authorized to initiate characterization a at its facilities in Beltsville, Maryland.	activities at its radioactive waste burial site				
	В.	The cha Work P subsequ	aracterization activities shall be conducted in a lan dated November 2004, that was submitted uent addendum dated February 2, 2006, to the	ccordance with the Characterization Survey with letter dated December 3, 2004, and a characterization Survey Work Plan.				
	C.	On or b decomr decomr	efore December 1, 2005, the licensee shall su nissioning of the radioactive waste burial site, i nissioning of the site.	bmit to the NRC a comprehensive plan for the including the expected date of completion of				
31.	The licensee shall maintain control of each site where it disposed of radioactive material by burial and shall continue to monitor the Beltsville burial site in accordance with letter dated July 2, 1992. No additional burials of radioactive material are authorized by this license.							
32.	Not that	withstand t the licer	ding the requirements of 10 CFR 30.36(d), the nsee has decided to cease principal activities a	licensee is not required to notify the NRC at an entire site if:				
	a.	The lice	ensed material used at the site was only in the	form sealed sources; and				
	b.	The tota	al activity used at the site did not, at any time, o	exceed one curie; and				
	C.	All sealed sources to be removed from the site have been leak tested within the six months prior to their removal date;						

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33. 34.	 d. No leak test of any source, performed while the source was possessed at the site, revealed the presence of 0.005 microcurie or more of removable contamination; and e. The licensee maintains documentation indicating the location and dates of licensed material usag 33. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material." 34. 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, includi any enclosures, listed below. The Nuclear Regulatory Commission's regulations shall govern unless t statements, representations. A. Application dated August 23, 2005 (ML052570550) B. Letter dated May 5, 2005 including the prolonume (ML05120005) 					
	D. Letter dated July 18, 2006 (ML062050601)					
			For the U.S	S. Nuclear Regulatory Commission		
Date	e <u>June 4,</u>	2007	By Sat Mat Divi Reg King	ttar Lodhi, Ph.D. aterials Security and Industrial Branch vision of Nuclear Materials Safety egion I ng of Prussia, Pennsylvania 19406		