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

June 27, 2007

Docket Nos. 03006111
07000781
Control Nos. 140413
140412

License Nos. 37-03698-01
SNM-719

Tonda L. Lewis
Radiation Protection Program Supervisor
Pennsylvania Department of Environmental Protection
Bureau of Laboratories
P.O. Box 1467
Harrisburg, PA 17105-1467

SUBJECT: PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, LICENSE AMENDMENT, CONTROL NOs. 140413/140412

Dear Ms. Lewis:

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 **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 Thomas K. Thompson***

Thomas K. Thompson
Senior Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Amendment No. 31 to License No. 37-03698-01
Amendment No. 13 to License No. SNM-719

cc:
Rosa Rangel, Radiation Safety Officer

DOCUMENT NAME: C:\FileNet\ML071800094.wpd

**SUNSI Review Complete:** TThompson
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| OFFICE | DNMS/RI | N | DNMS/RI | | DNMS/RI | | | |
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| NAME | TThompson ***/TKT/*** | | | | | | | |
| DATE | 6/27/07 | | | | | | | |

OFFICIAL RECORD COPY

Amendment No. 31

# 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.

| Licensee | In accordance with the letter dated April 11, 2007, |
|---|---|
| 1. Pennsylvania Department of Environmental Protection | 3. License number 37-03698-01 is amended in its entirety to read as follows: |
| 2. Bureau of Laboratories<br>P.O. Box 1467<br>Harrisburg, Pennsylvania 17105-1467 | 4. Expiration date December 31, 2011 |
| | 5. Docket No. 030-06111<br>Reference No. |

| 6. Byproduct, source, and/or special nuclear material | 7. Chemical and/or physical form | 8. Maximum amount that licensee may possess at any one time under this license |
|---|---|---|
| A. Any byproduct material with atomic numbers 3 through 83 | A. Any | A. 1 millicuries per radionuclide and 10 millicuries total |
| B. Hydrogen 3 | B. Any | B. 5 millicuries |
| C. Neptunium 237 | C. Any | C. 10 microcuries |
| D. Americium 241 | D. Any | D. 10 microcuries |
| E. Curium 244 | E. Sealed sources | E. 0.5 microcurie |
| F. Californium 252 | F. Plated source | F. 0.5 microcurie |

9. Authorized use:

A. through F. For instrument calibration, radiochemical technique development, sample preparation, collection of environmental samples for analysis and storage.

CONDITIONS

10. A. Licensed material in Items 6.A. through 6.F. may be used at the licensee's facilities located at 2575 Interstate Drive, Harrisburg, Pennsylvania.

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11. Licensed material in Items 6.A. through 6.F. shall be used by, or under the supervision of, Rory Kehler, Tonda Lewis, Thomas J. Matukaitis, Richard Sheibley, Tarulatta Upadhyay, Michael Webb, Rubeena Quazi or Christine Robbins.

12. The Radiation Safety Officer for this license is Rosa Rangel.

13. 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), 40.36(b), and 70.25(d) for establishing financial assurance for decommissioning.

14. The licensee shall not use licensed material in or on human beings.

15. The licensee shall not use licensed material in field applications where it is released except as provided otherwise by specific condition of this license.

16. The licensee shall not acquire licensed material in a sealed source or device unless the source or device has been registered with the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.210 or equivalent regulations of an Agreement State.

17. 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. Notwithstanding Paragraph A of this Condition, sealed sources designed to primarily emit alpha particles shall be tested for leakage and/or contamination at intervals not to exceed 3 months.

    C. 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.

    D. 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.

    E. 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.

    F. 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

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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.

G. Tests for leakage and/or contamination, including leak test sample collection and analysis, 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.

18. The licensee shall conduct a physical inventory every six months, or at other interval approved by the U.S. Nuclear Regulatory Commission, to account for all sealed sources and/or devices received and possessed under the license.

19. The licensee is authorized to hold radioactive material with a physical half-life of less than or equal to 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 10 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 3 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.

20. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

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 received on December 4, 2001 [ML013440021]
    B. Letter dated October 27, 2003 [ML033240596]
    C. Application dated April 20 , 2007 (ML071150081)
    D. Letter dated June 27, 2007

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For the U.S. Nuclear Regulatory Commission

Date June 27, 2007

By ***Original signed by Thomas K. Thompson***

Thomas K. Thompson
Commercial and R&D Branch
Division of Nuclear Materials Safety
Region I
King of Prussia, Pennsylvania 19406