



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

December 26, 2007

Lovelace Respiratory Research Institute
ATTN: Elaine T. Marshall, CHP
Radiation Safety Officer
2425 Ridgecrest Drive, SE
Albuquerque, New Mexico 87108

SUBJECT: LICENSE AMENDMENT

Please find enclosed Amendment No. 06 to NRC License No. 30-29237-01 **adding three rooms as areas of use in Building 9202B as requested in your letter dated November 14 and electronic mail dated December 13, 2007.**

The following amendment requests described in your letter dated November 14, 2007 were not approved. Please resubmit requests No. 2, 3 and 4 listed below with supporting documentation.

1. **Authorize the Radiation Safety Officer to add and remove areas of use (rooms) without the need of a license amendment.**

Basis for denial: This authorization is granted only to Broad Scope licensees.

2. **Authorize JeanClare Seagrave, Ph.D., as an authorized user.**

Basis for denial: No documentation describing radiation safety training and experience handling radionuclides were provided for Dr. Seagrave. Refer to page 8-16 of NUREG-1556, Volume 7, for radiation safety training requirements for authorized users. See link.

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v7/>

3. **Remove Items 6.L., 7.L., and 8.L., from the license since this authorization (NRD Model P-001) is for generally licensed devices.**

Basis for denial: Based on our communications, these devices do not have generally licensed labels. In addition, the Sealed Source and Device Registration Certificate No. NY-0502-S-106-S lists NRD Model P-001 as specifically licensed as opposed to generally licensed.

4. **Authorize the use of several sealed source radionuclides to permit calibration of radiation detection instrumentation.**

Basis for denial: The sealed sources were not added to the license because NRC requires that calibration of radiation detection instrumentation need to be performed by the instrument manufacturer or a person specifically authorized by the NRC or an Agreement State, unless the applicant specifically requests this authorization. Appendix M of NUREG-1556, Volume 7, provides information about instrument specifications and model calibration procedures. Applicants seeking authorization to perform survey instrument calibrations need to submit procedures for review.

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14)(v). You should review the enclosed document carefully and be sure that you understand all conditions. Please contact me at 817-860-8189 if you have any questions.

NRC's Regulatory Issue Summary (RIS) 2005-31, provides criteria to identify security-related sensitive information and guidance for handling and marking of such documents. This ensures that potentially sensitive information is not made publicly available through ADAMS. The RIS may be located on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/>. Pursuant to NRC's RIS 2005-31, the enclosed materials license will not be made publicly available.

NRC expects licensees to conduct their programs with meticulous attention to detail and a high standard of compliance. Because of the serious consequences to employees and the public that can result from failure to comply with NRC requirements, you must conduct your radiation safety program according to the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate by NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspection and Investigations," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Notify NRC in writing of any change in mailing address.
3. By 10 CFR 30.36(d) and/or license condition, notify NRC, promptly, in writing, and request termination of the license:
 - a. When you decide to terminate all activities involving materials authorized under the license whether at the entire site or any separate building or outdoor area;
 - b. If you decide not to acquire or possess and use authorized material; or
 - c. When no principal activities under the license have been conducted for a period of 24 months.
4. Request and obtain a license amendment before you:
 - a. Change Radiation Safety Officers;

- b. Order byproduct material in excess of the amount, radionuclide or form authorized on the license;
 - c. Add or change the address(es) of use identified on the license; or
 - d. Change the name or ownership of your organization.
5. Submit a complete renewal application or termination request at least 30 days before the expiration date on your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of radioactive material after your license expires is a violation of NRC regulations.

NRC will periodically inspect your radiation safety program. Failure to conduct your program according to NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC may result in enforcement action against you. This could include issuance of a notice of violation; imposition of a civil penalty; or an order suspending, modifying, or revoking your license as specified in the Enforcement Policy. The NRC Enforcement Policy is available on the following internet address: <http://www.nrc.gov/what-we-do/regulatory/enforcement/enforc-pol.pdf>.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Thank you for your cooperation.

Sincerely,

/RA/

Roberto J. Torres, Senior Health Physicist
Nuclear Materials Safety, Branch B

Docket: 030-37312
License: 30-29237-01
Control: 471565

Enclosure: As stated