



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

December 31, 2007

Montana State University - Billings
ATTN: Stanley M. Wiatr, Ph.D.
Radiation Safety Officer
C/O Department of Biological & Physical Sciences
1500 University Drive
Billings, Montana 59101

SUBJECT: LICENSE AMENDMENT

Please find enclosed Amendment 12 to License No. 25-12923-01 **authorizing under condition 17.B., the release for unrestricted use of room 121 and authorizing a new area of use as requested in your electronic communication dated October 19, 2007.** 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 this license carefully and be sure that you understand all conditions. Please contact me at (817) 860-8189 if you have any questions.

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>.

The NRC no longer publishes the NRC Rules and Regulations loose leaf supplements. However, an electronic version of the NRC's regulations is available on the NRC Web site at www.nrc.gov. To view these regulations, highlight "Electronic Reading Room" and choose "Regulations" on the drop down menu. An electronic version of the NUREG-1556 Series publications is also available on the NRC Web site. To view these guidance documents, highlight "Electronic Reading Room"; choose "All Collections" on the drop down menu; choose "NUREGS (NRC Reports)"; and select "Publications Prepared by the NRC Staff". Then, choose "NUREG-1556" from the table and select the appropriate volume(s) for your license type.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure 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: 030-00875
License: 25-12923-01
Control: 471540

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 style="text-align: center;">Licensee</p> <p>1. Montana State University-Billings C/O Dept. of Biological & Physical Sciences</p> <p>2. 1500 University Drive Billings, Montana 59101</p>	<p>In accordance with E-mail dated October 19, 2007</p> <p>3. License number 25-12923-01 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date June 30, 2013</p> <hr/> <p>5. Docket No. 030-00875 Reference No.</p>
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| <p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Phosphorus-32</p> <p>B. Iodine-125</p> <p>C. Sulfur-35</p> <p>D. Carbon-14</p> <p>E. Hydrogen-3</p> | <p>7. Chemical and/or physical form</p> <p>A. Any, except sealed sources</p> <p>B. Any, except sealed sources</p> <p>C. Any, except sealed sources</p> <p>D. Any, except sealed sources</p> <p>E. Any, except sealed sources</p> | <p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. 500 microcuries</p> <p>B. 50 microcuries</p> <p>C. 500 microcuries</p> <p>D. 15 millicuries</p> <p>E. 4 millicuries</p> |
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9. Authorized use
- A. through E. Research and development as defined in 10 CFR 30.4; teaching and training of students.

CONDITIONS

10. Licensed material shall be used only at the licensee's facilities located at Montana State University, Department of Biological and Physical Sciences, 1500 University Drive, Billings, Montana.
11. A. Licensed material shall be used by, or under the supervision of Stanley Wiatr, Ph.D., David Butler, Ph.D., Carl Castles, Ph.D., and Daniel Gretch, Ph.D.
- B. The Radiation Safety Officer for this license is Stanley Wiatr, Ph.D.
12. Licensed material shall not be used 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.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
25-12923-01Docket or Reference Number
030-00875

Amendment No. 12

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 transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
16. 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 10 half-lives.
 - B. Before disposal as ordinary trash, byproduct material 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 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 measured at the surface of each waste container, and the name of the individual who performed the disposal.
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 February 26, 2003 (ML030780694)
 - B. E-mail dated October 19, 2007 (ML073130657)

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

/RA/

Date: December 31, 2007By _____
Roberto J. Torres, Senior Health Physicist
Nuclear Materials Safety, Branch B
Region IV
Arlington, Texas 76011