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

June 16, 2008

Docket No. 03017547 License No. 39-19399-02
Control No. 142306

John A. Bemiss
Radiation Safety Officer
Department of Commerce, NOAA
National Ocean Service
219 Fort Johnson Road
Charleston, SC 29412-9110

SUBJECT: DEPARTMENT OF COMMERCE, NOAA, LICENSE AMENDMENT, CONTROL NO. 142306

Dear Mr. Bemiss:

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.

Since the license has not been amended in many years, the standard license conditions have changed. In addition to your request, license condition number 18 was modified to the current guidance. For background information please see http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2004/ri200417r1.pdf.

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 1-866-512-1800. 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 Dennis R. Lawyer

Dennis R. Lawyer
Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Amendment No. 22

DOCUMENT NAME: C:\FileNet\ML081700378.wpd

SUNSI Review Complete: DLawyer
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NAME	DLawyer ***/DC9/***							
DATE	6/16/2008							

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Amendment No. 22

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 application dated March 30, 2008,
1. U.S. Department of Commerce, NOAA National Ocean Service	3. License number 39-19399-02 is amended in its entirety to read as follows:
2. 219 Fort Johnson Road Charleston, South Carolina 29412-9110	4. Expiration date July 31, 2011
	5. Docket No. 030-17547 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. Hydrogen 3	A. Any	A. 50 millicuries
B. Carbon 14	B. Any	B. 50 millicuries
C. Phosphorus 32	C. Any	C. 20 millicuries
D. Sulfur 35	D. Any	D. 15 millicuries
E. Calcium 45	E. Any	E. 5 millicuries
F. Chromium 51	F. Any	F. 10 millicuries
G. Iodine 125	G. Any	G. 15 millicuries
H. Nickel 63	H. Sealed Source (U.S. Radium Model LAB 508-3, New England Nuclear Model NER-004, Amersham Model NBC)	H. 15 millicuries

9. Authorized use:

A. Through G. Research and development as defined in 10 CFR 30.4.

H. Possession and Storage Only

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CONDITIONS

10. Licensed material may be used or stored only at the licensee's facilities located at the National Ocean Service, 219 Fort Johnson Road and the Hollings Marine Laboratory, 331 Fort Johnson Road, Charleston, South Carolina.

11. A. The Radiation Safety Officer for this license is John A. Bemiss.

    B. Licensed material shall be used by, or under the supervision of, John A. Bemiss, Frances M. Van Dolah, Margaret Peden-Adams, Ph.D., or Todd Leighfield.

    C. Licensed material in items 6.A. and 6.B. may also me used by, or under the supervision of Maria DeLorenzo.

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

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

14. A. Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed six months or at 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. 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.

    C. 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 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.

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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.

H. Records of leak test results shall be kept in units of microcuries and shall be maintained for 5 years.

15. Sealed sources or detector cells containing licensed material shall not be opened or sources removed from source holders by the licensee.

16. The licensee shall conduct a physical inventory every six months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license. Records of inventories shall be maintained for 5 years from the date of each inventory and shall include the radionuclides, quantities, manufacturer's name and model numbers, and the date of the inventory.

17. Maintenance, repair, cleaning, replacement, and disposal of foils contained in detector cells shall be performed only by the device manufacturer or other persons specifically authorized by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.

18. The licensee is authorized to hold byproduct material with a physical half-life of less than or equal to 120 days for decay-in-storage before disposal without regard to its radioactivity if the licensee:

    A. Monitors byproduct material at the surface before disposal and determines that its radioactivity cannot be distinguished from the background radiation level with an appropriate radiation detection survey meter set on its most sensitive scale and with no interposed shielding; and

    B. Removes or obliterates all radiation labels, except for radiation labels on materials that are within containers and that will be managed as biomedical waste after they have been released from the licensee; and

    C. Maintains records of the disposal of licensed materials for 3 years. The record must include the date of disposal, the survey instrument used, the background radiation level, the radiation level measured at the surface of each waste container, and the name of the individual who performed the disposal.

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

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20. 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 May 9, 1980 [ML011990233]
    B. Letter dated October 15, 1980 [ML011990211]
    C. Letter dated March 25, 1981 [ML011990206]
    D. Letter dated May 29, 1985 [ML011990177]
    E. Letter dated August 24, 1990 [ML011990162]
    F. Letter dated October 26, 1990 [ML011990153]
    G. Letter dated April 19, 1991 [ML011990125]
    H. Application dated June 6, 1997 [ML011990109]
    I. Letter dated September 16, 1997 [ML011990106]
    J. Application dated September 26, 1997 [ML011990104]
    K. Letter dated September 1, 1998 [ML011990101]
    L. Application dated November 19, 2001 [ML013300505]

For the U.S. Nuclear Regulatory Commission

Date June 16, 2008

By ***Original signed by Dennis R. Lawyer***

Dennis R. Lawyer
Commercial and R&D Branch
Division of Nuclear Materials Safety
Region I
King of Prussia, Pennsylvania 19406