



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

June 27, 2008

Idaho State University
ATTN: Richard R. Brey, Ph.D., CHP
Radiation Safety Officer
Campus Box 8106
Pocatello, ID 83209

SUBJECT: LICENSE AMENDMENT

Please find enclosed Amendment No. 14 to NRC License No. 11-27380-01. 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. If there are any questions, please contact me at (817) 276-6552.

This license amendment authorizes the byproduct materials as requested for Items 8.A. through 8.D. and the new CAES research facility in Idaho Falls. Your amendment request stated in part, that under all circumstances the authorization for radioactive material use and the means for controlling radioactive materials at the new research facility will be under the authority of your license and the Radiation Safety Program. In addition, it was clarified during a telecom on June 26, that there will be a clear contractual agreement between Idaho State University and the entities working in and using radioactive materials under Idaho State University license at the CAES research facility.

We were not able to authorize the U-235 fuel plate for use at the Idaho Accelerator Center, at this time. An NRC license authorized out of the regional office is limited in the amount of special nuclear material authorized at any one location to quantities not sufficient to form a critical mass. The amount requested for U-235 would exceed the unity rule found in 10 CFR 150.11, for the location requested. In addition, our Headquarter's office is reviewing this portion of your amendment request to determine whether it should be authorized out of their office or whether the evaluation of the photofission rate is adequate for the regional office to authorize this portion of the amendment request. When I receive a response from our Headquarter's office, I will let you know in writing of the status of your request.

The regulation in 10 CFR 30.34, Terms and conditions of licenses, was revised to enhance the security requirements for portable gauges containing byproduct material. This revision became effective July 11, 2005. The revised 10 CFR 30.34 now requires that "each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee" (i.e., when not in use). Guidance on these security procedures is provided in the errata sheet for Appendix H of NUREG-1556, Volume 1, Revision 1, which may be located at: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v1/r1/>.

Please note that by License Condition 31 you are required to comply with the requirements of the "Order Imposing Increased Controls" (ADAMS Accession No. ML053130183) published in the Federal Register on December 1, 2005 (70 FR 72128); and with the "Order Imposing Fingerprinting and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Materials" (fingerprinting Order) (ADAMS Accession No. ML073230738) published in the Federal Register on December 13, 2007 (70 FR 70901).

This License Condition requires that you complete implementation of said requirements by the first day that radionuclides in quantities of concern are possessed at or above the limits specified in "Table 1: Radionuclides of Concern" contained within the fingerprinting Order, and notify, in writing, the Director, Office of Federal and State Materials and Environmental Management Programs, U.S. NRC, Washington, DC, 20555, when you have completed the requirements of this License Condition. Our records indicate that you provided a response to the NRC dated January 10, 2008, and that you are currently implementing the fingerprinting Order. Any response to the Order should be marked as "Withhold from Public Disclosure under 10 CFR 2.390."

Further implementation guidance and supplemental questions and answers are available for these Orders at: <http://www.nrc.gov/security/byproduct/orders.html>.

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/>. Additionally, the link for frequently asked questions may be located at: <http://www.nrc.gov/reading-rm/sensitive-info/materials.html>, then select "Withholding of Sensitive Information." 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 areas or address(es) of use identified in the license application or on the license; or
 - d. Change the name or ownership of your organization.

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 NRC Enforcement Policy. The NRC Enforcement Policy is available on the following internet address:
<http://www.nrc.gov/reading-rm/doc-collections/enforcement/>.

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. Additional information regarding use of radioactive materials may be obtained on the NRC Web site at <http://www.nrc.gov/materials/miau/mat-toolkits.html>. This site also provides the link to the toolbox for updated information on the revised regulations for naturally-occurring and accelerator-produced radioactive materials (NARM).

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/

Rachel S. Browder, Health Physicist
Nuclear Materials Safety Branch B

Docket: 030-32322
License: 11-27380-01
Control: 471760

Enclosure: As stated