

U.S. NUCLEAR REGULATORY COMMISSION

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>Licensee</p> <p>1. Owlstone Nanotech, Inc.</p> <p>2. 400 Rella Blvd., Suite 160 Montebello, New York 10901-4241</p>	<p>3. License number 31-23978-01E</p> <p>4. Expiration date October 31, 2014</p> <p>5. Docket No. 030-38060 Reference No.</p>
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<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Nickel-63</p>	<p>7. Chemical and/or physical form</p> <p>A. Foil sources (QSA Global Inc. Model NBC, Or Eckert and Zeigler Model NER-004)</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. Not applicable (See Condition 11)</p>
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9. Authorized use:

Pursuant to Section 32.26, 10 CFR Part 32, "Gas and aerosol detectors containing byproduct material," the licensee is authorized to distribute the devices containing sealed sources as specified in Condition 10 of this license to persons exempt from the requirements for a license pursuant to 10 CFR Part 30.20, or equivalent provisions of the regulations of any Agreement State.

CONDITIONS

10. The following devices may be distributed pursuant to this license provided the amount of Nickel-63 contained in each device does not exceed the amounts specified in the following table:

<u>Device Model</u>	<u>Maximum Quantity Per Device</u>
Lonestar	15 millicuries (555 MBq)

- 11. This license does not authorize possession or use of licensed material.
- 12. The licensee may distribute only from its facilities located at 400 Rella Blvd., Suite 160, Montebello, New York.
- 13. The licensee shall file periodic reports as specified in 10 CFR 32.29.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number
31-23978-01E

Docket or Reference Number
030-38060

14. Except as specifically provided otherwise by 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 June 19, 2009;
- B. Letter dated September 17, 2009



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

/RA/

Date October 13, 2009

Licensing

By _____

Richard K. Struckmeyer
 Branch
 Division of Materials Safety and State Agreements
 Office of Federal and State Materials and
 Environmental Management Programs
 Washington, DC 20555