



INDEPENDENT ENVIRONMENTAL
ENGINEERS, SCIENTISTS
AND CONSULTANTS

Malcolm Pirnie, Inc.
104 Corporate Park Drive, Box 751
White Plains, NY 10602
T: 914.694.2100 F: 914.694.9286

www.pirnie.com

Br3

January 20, 2010

United States Nuclear Regulatory Commission
Region 1
475 Allendale Rd.
King of Prussia, PA 19406
Attn: License Assistance Team

03033874

Re: Malcolm Pirnie, Inc., Ref. NRC License #31-30226-01

To Whom It May Concern:

We are writing this letter to request termination of the above NRC license. The unit has been properly disposed of as per the attached documentation.

Please feel free to contact me if you have any questions.

Yours truly,

MALCOLM PIRNIE, INC.

Charles J. Myers
Charles J. Myers *cc*
Sr. Associate

Att/

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REGION 1
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
March 31, 2008

Docket No. 03033874
Docket No. 03037728

License No. 31-30226-01
License No. 31-30226-02

Control No. 142203
Control No. 142204

Mark A. McGowan, C.I.H, CSP.
Manager, Health & Safety
Malcolm Pirnie, Inc.
104 Corporate Park Drive, Box 751
White Plains, NY 10602

**SUBJECT: MALCOLM PIRNIE, INC., LICENSE AMENDMENT, CONTROL NO. 142203;
NEW LICENSE, CONTROL NO. 142204**

Dear Mr. McGowan:

By letter dated January 15, 2008, we informed you of the impending Agreement between the U.S. Nuclear Regulatory Commission (NRC) and the Commonwealth of Pennsylvania, whereby, the NRC will relinquish regulatory authority for certain licenses of byproduct, source, and special nuclear material. We also explained that your NRC license, which authorized licensed activities in Pennsylvania and at temporary job sites anywhere in the United States where the NRC maintains jurisdiction (non-Agreement States), required an amendment prior to the transfer. This action is necessary since authorization to conduct licensed activities at temporary job sites in NRC-regulated states will no longer be valid once the Agreement is signed and Pennsylvania assumes regulatory authority.

On March 19, 2008, Mr. Joseph Golden, Jr. of your organization informed the NRC that you found it necessary to continue the use of licensed material in States that are under NRC jurisdiction. Therefore, your current NRC license has been amended to remove all Pennsylvania locations of use and/or storage, leaving all other locations (including temporary job sites, if applicable) which authorize work activities in non-Agreement States. In addition, we have issued you a new license authorizing work activities only in the Commonwealth of Pennsylvania. Enclosed with this letter are both licenses.

Please review the enclosed documents carefully and be sure that you understand and fully implement all the conditions incorporated into the licenses. If there are any errors or questions on the NRC license, 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. Errors or questions on the license authorizing licensed activities in the Commonwealth should be directed to Ronald Hamm at the Pennsylvania Department of Environmental Protection, Bureau of Radiation Protection at (717) 787-2480.

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14).

Thank you for your cooperation.

Sincerely,

Original signed by Jenny Johansen

Jenny Johansen
Health Physicist
Materials Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosures:

License No. 31-30226-01, Amendment No. 4

License No. 31-30226-02

DOCUMENT NAME: G:\Docs\Mailed\Lic Cvr Letter\31-30226-01.a.142203.03282008.wpd

SUNSI Review Complete: JJohansen

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OFFICE	DNMS/RI	N						
NAME	JJohansen/jmj							
DATE	C3/25/08							

OFFICIAL RECORD COPY

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	
1. Malcolm Pirnie, Inc.	3. License number 31-30226-02
2. 104 Corporate Park Drive White Plains, New York 10602	4. Expiration date March 31, 2016
	5. Docket No. 030-37729 Reference No. 31-30226-01

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. Cesium 137	A. Sealed Sources (AEA Technology/QSA Inc. Model CDCW556; Isotope Product Laboratories Model HEG-137)	A. 99 millicuries total. No single source to exceed the maximum activity specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission or an Agreement State
B. Americium 241	B. Sealed Sources (AEA Technology/QSA Inc. Model AMNV.997; Isotope Product Laboratories Models 3021, 3027, and Am1.NO2)	B. 484 millicuries total. No single source to exceed the maximum activity specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission or an Agreement State

9. Authorized use:

A. and B. In Troxler Electronic Laboratories Model No. 3430 portable gauging devices for measuring physical properties of materials.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
31-30226-02Docket or Reference Number
030-37729
31-30226-01**CONDITIONS**

10. Licensed material may be used or stored at the licensee's facilities located at Malcolm Pirnie Trailer, 1217 W. Wayne Street, Washington, Pennsylvania, and may be used at temporary job sites of the licensee anywhere in the Commonwealth of Pennsylvania where the Commonwealth maintains jurisdiction for regulating the use of licensed material. Authorization for use of radioactive materials at job sites under exclusive Federal jurisdiction or in Agreement States shall be obtained from the appropriate regulatory agency.
11. Licensed material shall be used by, or under the supervision and in the physical presence of, individuals who have received the training described in the application dated March 14, 2006.
12. The Radiation Safety Officer for this license is Joseph M. Golden, Jr.
13. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified in 10 CFR 30.35(d) for establishing decommissioning financial assurance.
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 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.
 - D. 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.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
31-30226-02Docket or Reference Number
030-37729
31-30226-01

- E. Tests for leakage and/or contamination, limited to leak test sample collection, 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. The licensee is not authorized to perform the analysis; analysis of leak test samples must be performed by persons specifically licensed by U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.
- F. Records of leak test results shall be kept in units of microcuries and shall be maintained for 5 years.
15. Sealed sources or source rods containing licensed material shall not be opened or sources removed or detached from source rods or gauges by the licensee, except as specifically authorized.
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. Each portable nuclear gauge shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport or storage, or when not under the direct surveillance of an authorized user.
18. Any cleaning, maintenance, or repair of the gauges that requires detaching the source or source rod from the gauge shall be performed only by the manufacturer or by other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.
19. A. If the licensee uses unshielded sealed sources extended more than 3 feet below the surface, the licensee shall use surface casing that extends from the lowest depth to 12 inches above the surface and other appropriate procedures to reduce the probability of the source or probe becoming lodged below the surface. If it is not feasible to extend the casing 12 inches above the surface, the licensee shall implement procedures to ensure that the cased hole is free of obstruction before making measurements.
- B. If a sealed source or a probe containing sealed sources becomes lodged below the surface and it becomes apparent that efforts to recover the sealed source or probe may not be successful, the licensee shall notify the U.S. Nuclear Regulatory Commission and submit the report required by 10 CFR 30.50(b)(2) and (c). The licensee shall not abandon the sealed source or probe without obtaining the Commission's prior written consent.
20. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
31-30226-02Docket or Reference Number
030-37729
31-30226-01

21. 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 March 14, 2006 (ML060750592)
 - B. Facsimile dated March 21, 2006

For the U.S. Nuclear Regulatory Commission

Date March 31, 2008

By

Original signed by Tara L. WeidnerTara L. Weidner
Medical Branch
Division of Nuclear Materials Safety
Region I
King of Prussia, Pennsylvania 19406



Pennsylvania Department of Environmental Protection

**Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469
September 23, 2009**

Bureau of Radiation Protection

717-787-3720
Fax: 717-783-8965

**Charles Beatty
Radiation Safety Officer
Malcolm Pirnie, Inc.
104 Corporate Park Drive, Box 751
White Plains, New York 10602**

RECEIVED

SEP 28 2009

Re: Pennsylvania Radioactive Material License No. PA-1071

MALCOLM PIRNIE

Dear Mr. Beatty:

We are enclosing Amendment 1 to Pennsylvania license PA-1071 in response to correspondence dated August 25, 2009.

This amendment terminates the license.

The license has been formatted to reflect changes to the regulations published July 17, 2004 in the Pennsylvania Bulletin and also changes to 10 CFR 35 effective April 29, 2005. Please note that the Commonwealth of Pennsylvania has "incorporated by reference" the NRC radiation protection regulations contained in 10 CFR Parts 19-150.

Please forward the enclosed material appropriately.

If there are any questions regarding this letter I can be contacted at (717) 787-2208.

Thank you for your cooperation.

Sincerely,

**John S. Chippe
Chief
Radioactive Material Licensing**

Enclosure: PA-1071 Amendment 1



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF RADIATION PROTECTION
RADIOACTIVE MATERIALS LICENSE

Page 1 of 1 Pages
License No. PA -1071
Amendment No. 1

Pursuant to the Radiation Protection Act, the Act of July 10, 1984 (No. 147, P.L. 688)(35 P.S. §§ 7110.101 – 7110.703) and Title 25. Rules and Regulations, Article V. Radiological Health of the Pennsylvania Department of Environmental Protection, and in reliance on statements and representations heretofore Licensee to receive, acquire, possess, transfer, and use radioactive material listed below for the purpose and at the places designated below. This license shall be deemed subject to all applicable rules, regulations, or orders of the Pennsylvania Department of Environmental Protection now or hereafter in effect and to any conditions specified below.

Licensee	
1. Malcolm Pirnie, Inc.	3. License No. PA – 1071
2. 104 Corporate Park Drive White Plains, New York 10602	4. Expiration Date: N/A
	5. Client ID: 206961 Pgm. Code: 3121 Priority: 5

6. In response to correspondence dated August 25, 2009 Pennsylvania Radioactive Material License PA-1071 is hereby terminated.

For the Pennsylvania Department of Environmental Protection

John S. Chippo
Bureau of Radiation Protection
P. O. Box 8469
Harrisburg, PA 17105-8469

Date: September 23, 2009

**MALCOLM
PIRNIE**

**INDEPENDENT ENVIRONMENTAL
ENGINEERS, SCIENTISTS**

Malcolm Pirnie, Inc.
1603 Carmody Court
Suite 403
Sewickley, PA 15143
724-934-4387
www.pirnie.com

August 25, 2009

Mr. Ronald J. Hamm, Chief
Radioactive Materials Licensing
Pennsylvania Bureau of Radiation Protection
Rachel Carson Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469

Re: Termination of License No. PA-1071

Dear Mr. Hamm:

Malcolm Pirnie Inc. requests termination of Pennsylvania Radioactive Material License No. PA-1071. The portable gauge associated with the license has been transferred to the manufacturer for disposal. Documentation regarding this transfer has been provided to Celia Rajkovich in Pittsburgh.

If you have any questions, or require additional information, please call 724-934-4124.

Very truly yours,



MALCOLM PIRNIE, INC.
Charles Beatty
Radiation Safety Officer

cc: Charles Myers, MPI





Pennsylvania Department of Environmental Protection

**Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469
June 23, 2008**

Bureau of Radiation Protection

717-787-3720
Fax: 717-783-8965

**Joseph M. Golden, Jr.
Corporate Radiation Safety Officer
Malcolm Pirnie, Inc.
104 Corporate Park Drive, Box 751
White Plains, New York 10602**

Re: "NEW" Pennsylvania Radioactive Material License No. PA-1071

Dear Mr. Golden:

We are enclosing "NEW" Pennsylvania license PA-1071 in response to correspondence dated June 13, 2008 and in accordance with Agreement State proceedings.

This issuance designates Charles R. Beatty, Jr. as the Radiation Safety Officer and effectively merges your NRC License # 31-30226-02 into Pennsylvania License # PA-1071.

The license has been formatted to reflect changes to the regulations published July 17, 2004 in the Pennsylvania Bulletin and also changes to 10 CFR 35 effective April 29, 2005. Please note that the Commonwealth of Pennsylvania has "incorporated by reference" the NRC radiation protection regulations contained in 10 CFR Parts 19-150.

Please forward the enclosed material appropriately.

If there are any questions regarding this letter I can be contacted at (717) 783-5919.

Thank you for your cooperation.

Sincerely,

**Ronald J. Hamm
Chief, Radioactive Material Licensing**

Enclosure: "New" Pennsylvania License: PA-1071



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF RADIATION PROTECTION

Page 1 of 3 Pages

License No. PA - 1071

RADIOACTIVE MATERIALS LICENSE

Amendment No. NEW

Pursuant to the Radiation Protection Act, the Act of July 10, 1984 (No. 147, P.L. 688)(36 P.S. §§ 7116.101 - 7116.703) and Title 26, Rules and Regulations, Article V, Radiological Health of the Pennsylvania Department of Environmental Protection, and in reliance on statements and representations heretofore Licensee to receive, acquire, possess, transfer, and use radioactive material listed below for the purposes and at the places designated below. This license shall be deemed subject to all applicable rules, regulations, or orders of the Pennsylvania Department of Environmental Protection now or hereafter in effect and to any conditions specified below.

Licensee	
1. Malcolm Pirnie, Inc.	3. In response to correspondence dated June 5, 2008 and in accordance with Agreement State proceedings, License No. PA - 1071 is issued to read as follows:
2. 104 Corporate Park Drive White Plains, New York 10602	4. Expiration Date: March 31, 2016
	5. Reference No: 206961

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. Cesium 137	A. Sealed sources (AEA Technology/QSA, Inc. Model No. CDCW556, Isotope Laboratories Model No. HEG-137)	A. 9 millicuries per source, not to exceed 99 millicuries total
B. Americium 241	B. Sealed neutron sources (AEA Technology/QSA, Inc. Model No. AMNV.997, Isotope Product Laboratories Model Nos. 3021, 3027 or Am1.NO2)	B. 44 millicuries per source, not to exceed 484millicuries total

9. Authorized use:
A. For use in Troxler Electronic Laboratories, Inc. Model No. 3430 portable gauging devices for measuring physical properties of materials.

CONDITIONS
10. Licensed material may be used or stored only at the licensee's facilities located at Malcolm Pirnie Trailer, 1217 West Wayne Street, Washington, PA and at temporary job sites in Pennsylvania. Authorization for use of radioactive materials at job sites under exclusive Federal jurisdiction shall be obtained from the appropriate regulatory agency.
11. The Radiation Safety Officer for this license is: Charles R. Beatty, Jr.
12. Licensed material shall be used by, or under the supervision and in the physical presence of, individuals who have received the training described in the application to the U.S. Nuclear Regulatory Commission dated March 14, 2006.
13. A copy of the latest sealed source leak test results and emergency procedures shall be available for inspection at temporary job sites.



14. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified and incorporated by reference in 10 CFR 30.35(d) for establishing financial assurance for decommissioning.
15. The licensee may transport licensed material, or deliver licensed material to a carrier for transport, in accordance 25 Pa Code Chapter 230, "Packaging and Transportation of Radioactive Material" and the provisions of 10 CFR Part 71 incorporated by reference.
16.
 - A. Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or 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 in storage need not be tested 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.
 - D. 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 Department 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 Department regulations.
 - E. Tests for leakage and/or contamination, limited to leak test sample collection, shall be performed by the licensee or by other persons specifically licensed by the NRC or Agreement State to perform such services. The licensee is not authorized to perform the analysis; analysis of leak test samples must be performed by persons specifically licensed by the NRC or an Agreement State to perform such services.
 - F. Records of leak test results shall be kept in units of microcuries and shall be maintained for 5 years.
17. Each portable gauge shall have a lock or lockable outer container to prevent un-authorized or accidental removal of the sealed source from its shielded position. The gauge or outer container shall be locked and secured from unauthorized access while in transport or not under the direct surveillance of an authorized user.
18. Devices containing licensed material shall not be abandoned or discarded.
19. Sealed sources or source rods containing licensed material shall not be opened or sources removed from the source holders by the licensee, except as specifically authorized.
20. The licensee shall conduct a physical inventory every 6 months, or at other intervals approved by the Bureau, 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.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF RADIATION PROTECTION
RADIOACTIVE MATERIALS LICENSE

Page 3 of 3 Pages
License No. PA - 1071
Amendment No. NEW

21. The licensee shall immediately suspend operation of a device upon failure of, damage to, or an indication of a possible failure of, or damage to the source, source shielding, or any source rod, lock, on-off mechanism, shutter or safety indicator. The device may not be returned to service until it has been repaired by a person authorized by the Department, NRC or a state to repair the device.
22. Any cleaning, maintenance or repair of the gauges that requires detaching the source or source rod from the gauge shall be performed only by the manufacturer or by other persons specifically licensed the Department, the Nuclear Regulatory Commission or a State to perform such service.
23.
 - A. If the licensee uses unshielded sealed sources extended more than 3 feet below the surface, the licensee shall use surface casing that extends from the lowest depth to 12 inches above the surface and other appropriate procedures to reduce the probability of the source or probe becoming lodged below the surface. If it is not feasible to extend the casing 12 inches above the surface, the licensee shall implement procedure to ensure that the cased hole is free of obstruction before making measurements.
 - B. If a sealed source or a probe containing sealed sources becomes lodged below the surface and it becomes apparent that efforts to recover the sealed source or probe may not be successful, the licensee shall notify the Department of Environmental Protection and submit the report required by 10 CFR 30.50(b)(2) and (c). The licensee shall not abandon the sealed source or probe without obtaining the Department's prior written consent.
24. Notwithstanding the requirements set forth in this license, the licensee shall comply with the regulations set forth in Title 25 of the Pennsylvania Code, Article V "Radiological Health" and the U.S. Nuclear Regulatory Commission, Title 10 Code of Federal Regulations Parts 19-150 incorporated by reference.
25. 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. This license condition applies only to those procedures that are required to be submitted in accordance with the regulations. The Department of Environmental Protection'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 March 14, 2006 (NRC)
 - B. Facsimile dated March 21, 2006 (NRC)

For the Pennsylvania Department of Environmental Protection

Ronald J. Hamm
Bureau of Radiation Protection
P. O. Box 8469
Harrisburg, PA 17105-8469

Date: June 23, 2008

Golden, Joseph

From: Golden, Joseph
Sent: Tuesday, March 25, 2008 2:52 PM
To: Beatty, Chuck; Shuckrow, Alan; Lewis, Alison
Cc: Myers, Charles; Cavaluzzi, Gerard P.; Thomsen, Kristina
Subject: NRC License
Importance: High

Folks

The Commonwealth of Pennsylvania intends to enter into an agreement with the US Nuclear Regulatory Commission (NRC) on or about March 31, 2008. Under the agreement, the NRC would relinquish to Pennsylvania regulatory authority for certain licenses for byproduct, source, and special nuclear materials. This includes our license for the Troxler at Molycorp.

Depending on the timing of the agreement, the following events are going to occur:

- NRC will amend our existing NRC license to remove authorization for use of material in the Commonwealth of Pennsylvania and authorize work activities only in non-Agreement States;
- NRC will issue a **new** (second) license for work activities only in the Commonwealth of Pennsylvania; and
- NRC will transfer **that** new license to the Commonwealth of Pennsylvania in conjunction with the effective date of the Agreement between the NRC and Pennsylvania, who will then issue their own license.

Chuck Beatty may or may not be listed as the Radiation Safety Officer (RSO) for the new license. If he is not, he will need to apply to Pennsylvania to amend the Pennsylvania license to add him as RSO, and provide the documentation to Pennsylvania regarding his qualifications to be RSO.

As with our New York State license for the Troxler in ALB, once Pennsylvania becomes an agreement state, all regulatory, licensing, and fee issues, as well as other correspondence to and from Pennsylvania, will be between the Molycorp site (licensed location) and the Commonwealth of Pennsylvania. Once this occurs, I've asked Chuck to send copies of any documentation for our records as ALB does.

Beyond paying any associated fees with this transition, and, if needed, Chuck needing to apply to Pennsylvania as RSO, there is nothing we need to do.

Any questions, please give me a call or email.

jmg

Joseph (Joe) M. Golden, Jr., EMT-P, CET, CHMM, CBCP, RSO

6/13/2008

**Corporate Radiation Safety Officer
Homeland Security and Emergency Management Services
Malcolm Pirnie, Inc.
914.641.2978 (Direct)
914.641.2474 (Fax)**



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

January 15, 2008

TO: ALL NRC MATERIALS LICENSEES AUTHORIZED TO CONDUCT LICENSED
ACTIVITIES IN THE COMMONWEALTH OF PENNSYLVANIA

SUBJECT: PROPOSED AGREEMENT WITH THE COMMONWEALTH OF
PENNSYLVANIA

Dear Licensee:

As you are probably aware, the Commonwealth of Pennsylvania intends to enter into an Agreement with the U.S. Nuclear Regulatory Commission (NRC). Under the Agreement, the NRC would relinquish to the Commonwealth of Pennsylvania regulatory authority for certain licenses for byproduct, source, and special nuclear materials. It is anticipated that the Agreement would become effective on or about March 31, 2008.

To assist you in understanding this proposed change in regulatory authority, the following conditions would apply on the effective date of the Agreement:

1. As an NRC materials licensee (other than as described in Item 3. below) located in and/or authorized to conduct licensed activities only in the Commonwealth of Pennsylvania, your existing NRC license will be transferred to the Commonwealth. The NRC license will eventually be converted to a Commonwealth of Pennsylvania license at the time of next renewal, amendment, or as determined by the Commonwealth.
2. As an NRC materials licensee located in the Commonwealth of Pennsylvania and authorized to conduct licensed activities in non-Agreement States (i.e., States regulated by the NRC), one of two situations may exist:
 - a. If your NRC license authorizes activities in the Commonwealth of Pennsylvania and at one or more permanent locations in any non-Agreement State (e.g., New Jersey, West Virginia, etc.), upon the effective date of the Agreement, you will be issued two licenses. Your current NRC license will be amended to remove the Commonwealth of Pennsylvania location (leaving those locations that authorize activities in non-Agreement States), and you will be issued a new license by NRC authorizing activities only in the Commonwealth of Pennsylvania. There will be no fee assessed for these actions; however, you will continue to be assessed annual fees to maintain the NRC license. The Commonwealth of Pennsylvania will also charge you license fees for the license authorizing activities in the Commonwealth. The expiration date of both licenses will remain the same; the license authorizing activities in Pennsylvania will eventually be converted to a Commonwealth of Pennsylvania license at the time of the next renewal, amendment, or as determined by the Commonwealth.
 - b. If your NRC license authorizes activities in the Commonwealth of Pennsylvania and at temporary job sites in non-Agreement States, you will be given the

opportunity to declare to our office whether or not you need both Commonwealth of Pennsylvania and NRC materials licenses. If you want to maintain an NRC license, our office will amend your NRC license for temporary jobsites only in non-Agreement States, and we will issue a new license authorizing licensed activities in the Commonwealth of Pennsylvania only. There will be no fee assessed for these actions; however, you will continue to be assessed annual fees to maintain the NRC license. The Commonwealth of Pennsylvania will also charge you license fees for the license authorizing activities in the Commonwealth. The expiration date of both licenses will remain the same; the license authorizing activities in Pennsylvania will eventually be converted to a Commonwealth of Pennsylvania license at the time of the next renewal, amendment, or as determined by the Commonwealth.

If you determine that due to limited work activities in NRC-regulated states you do not need an NRC license, we will amend your existing NRC license to delete authorization for temporary job sites in non-Agreement States. The license will then only authorize work activities in the Commonwealth of Pennsylvania. After the Agreement is effective, you can conduct work at temporary job sites in non-Agreement States pursuant to 10 CFR 150.20 (i.e., reciprocity). However, please be aware that reciprocity is only allowed for a maximum of 180 days in any calendar year. You are required to file NRC Form 241 for reciprocity with the NRC whenever your work brings you into NRC jurisdiction, or into areas of Exclusive Federal Jurisdiction within an Agreement State. The current application fee for reciprocity is \$1,500 per calendar year.

Over the next few weeks, we will be contacting by telephone all NRC licensees in the Commonwealth of Pennsylvania licensed to work at temporary job sites to request whether you wish to keep an NRC license. Should you prefer to call NRC upon receipt of this letter, please call either NRC contact person listed at the end of this letter.

3. Notwithstanding the above two categories, licenses issued by the NRC to Federal Government agencies, or licenses authorizing the possession of special nuclear material in quantities sufficient to form a critical mass, or licenses authorizing exempt distribution, will remain under NRC jurisdiction.
4. If you believe you have a license situation outside of the above categories, please contact the NRC individuals listed at the end of this letter.

For your information, communications with the Commonwealth of Pennsylvania should be addressed to:

Mr. David J. Allard, CHP, Director
Bureau of Radiation Protection
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469
Telephone: (717) 787-2480

If you have any questions regarding this letter, please contact either of the Region I State Agreements Officers, Donna Janda at (610) 337-5371 or James Kottan at (610) 337-5214.

Sincerely,

A handwritten signature in black ink, appearing to read "B-E-Hol", written in a cursive style.

Brian E. Holian, Director
Division of Nuclear Materials Safety

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(610) 337 5000

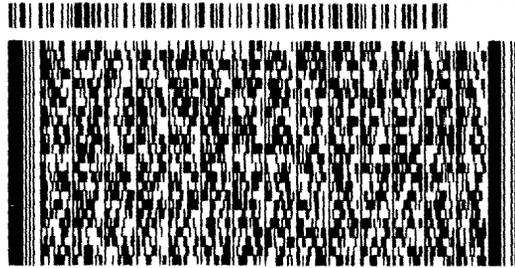
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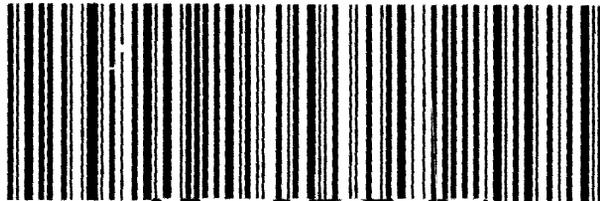
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This is to acknowledge the receipt of your letter/application dated

1/20/2010, and to inform you that the initial processing which includes an administrative review has been performed.

TERMINATION 31-30226-01
There were no administrative omissions. Your application was assigned to a technical reviewer. Please note that the technical review may identify additional omissions or require additional information.

Please provide to this office within 30 days of your receipt of this card

A copy of your action has been forwarded to our License Fee & Accounts Receivable Branch, who will contact you separately if there is a fee issue involved.

Your action has been assigned **Mail Control Number** 144382.
When calling to inquire about this action, please refer to this control number.
You may call us on (610) 337-5398, or 337-5260.