

From: Cal Gillis [cgillis@boisestate.edu]
Sent: Wednesday, February 17, 2010 12:51 PM
To: Torres, RobertoJ
Subject: Re: Amendment request update
Attachments: Boise State Request for Amendment to Materials License.pdf;
JCook_NRC reply letter, 11-16-2009.pdf

Hello Mr. Torres,

In the original request (see attached) for this amendment dated August 18, 2009, Boise State requested in the first paragraph that the limit for U-238 be increased as the use of depleted uranium was anticipated to increase. Jacqueline Cook, NRC wrote in a November 16, 2009 letter (see attached) in reply to the amendment request that the U-238 was not line listed as depleted uranium and it did not appear that Boise State was authorized to use U-238. My reply in the Dec. 10, 2009 letter indicates that I thought we had amended the Boise State license to add depleted uranium as U-238, but I thought I was mistaken because of her reply and the lack of reference in the license to U-238 as depleted uranium.

U-238 is used in two labs at Boise State, by Mark Schmitz, Ph. D., as a standard in thermal ionization spectrometry in Geosciences and by Darryl Butt, Ph. D., as depleted uranium, in the Department of Material Sciences, College of Engineering.

Perhaps it would be easiest to amend the license to add U-238 referenced as depleted uranium on another line for Dr. Butt's use of depleted uranium in Material Science and leave the existing 6.R., 7.R., and 8.R. for the use of U-238 in Dr. Schmitz's lab. What do you think?

On Wed, Feb 17, 2010 at 9:43 AM, Torres, RobertoJ <RobertoJ.Torres@nrc.gov> wrote:
Mr. Gillis:

I am working on amending license 11-27388-01 according to your letter dated December 10, 2009. Regarding the use of U-238/depleted uranium according to 10 CFR 40.22, if source material is already authorized in a specific license then the exemption to licensing requirements will not apply, see below in redline. Therefore, item 6.R (U-238 as depleted uranium) will need to remain in the specific license and will not be considered generally licensed material.

Roberto Torres

§ 40.22 Small quantities of source material.

(a) A general license is hereby issued authorizing commercial and industrial firms, research, educational and medical institutions and Federal, State and local government agencies to use and transfer not more than fifteen (15) pounds of source material at any one time for research, development, educational, commercial or operational purposes. A person authorized to use or

transfer source material, pursuant to this general license, may not receive more than a total of 150 pounds of source material in any one calendar year.

(b) Persons who receive, possess, use, or transfer source material pursuant to the general license issued in paragraph (a) of this section are exempt from the provisions of parts 19, 20, and 21, of this chapter to the extent that such receipt, possession, use or transfer are within the terms of such general license: *Provided, however, That this exemption shall not be deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to this part.*

(c) Persons who receive, possess, use or transfer source material pursuant to the general license in paragraph (a) of this section are prohibited from administering source material, or the radiation therefrom, either externally or internally, to human beings except as may be authorized by NRC in a specific license.

[26 FR 284, Jan. 14, 1961, as amended at 38 FR 22221, Aug. 17, 1973; 42 FR 28896, June 6, 1977; 45 FR 55420, Aug. 20, 1980]

E-mail Properties

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Sent Date: 2/17/2010 12:51:24 PM
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From: Cal Gillis

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Recipients:
RobertoJ.Torres@nrc.gov (Torres, RobertoJ)
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Files	Size	Date & Time
MESSAGE	229579	2/17/2010
Boise State Request for Amendment to Materials License.pdf		95561
JCook_NRC reply letter, 11-16-2009.pdf	128901	

Options
Expiration Date:
Priority: olImportanceNormal

ReplyRequested: False
Return Notification: False

Sensitivity: olNormal
Recipients received: