



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

July 21, 2011

Lovelace Respiratory Research Institute  
ATTN: Elaine T. Marshall, CHP  
Radiation Safety Officer  
2425 Ridgecrest Drive, SE  
Albuquerque, New Mexico 87108

SUBJECT: VOIDANCE OF APPLICATION FOR LICENSE AMENDMENT,  
LICENSE 30-29237-01, CONTROL NO. 575145

This concerns the subject application for an Amendment to add Curium-244 to your license. Your amendment request cannot be approved for the following two reasons:

- 1) You must submit an updated decommissioning funding plan and an updated financial assurance instrument (Letter of Credit) to account for the new material that you want to add to your license (5 curies of Cm-244 in any form). Please submit this information to the NRC along with your request.
- 2) 10 CFR 30.32(i) and 10 CFR 30.72, require licensees in possession of unsealed material in certain quantities to determine if they need to develop an emergency plan or perform a dose evaluation instead. According to 10 CFR 30.72, amounts equal or greater than 4 curies of Cm-244 would require a need for an emergency plan or the development of a dose evaluation. Please calculate a sum of the ratios for all unsealed material listed on your license that is identified in 10 CFR 30.72. If the sum of the ratios exceeds the unity, you will need to develop an emergency plan or a dose evaluation. 10 CFR 30.32 describes the information that should be included in your emergency plan or dose evaluation. This information will need to be provided to the NRC for review and approval prior to issuance of the amendment.

Please be advised that every time you request to add material to your license, you will need to first submit updated decommissioning documents and demonstrate compliance with 10 CFR 30.72. If you have any questions, you may contact me at 817-276-6590 or Roberto Torres at 817-860-8189.

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>.

Lovelace Respiratory Research Institute

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Thank you for your cooperation.

Sincerely,

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Michelle Simmons, Health Physicist  
Nuclear Materials Safety Branch B

Docket: 030-37312  
License: 30-29237-01  
Control: 575145