

**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.

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| Licensee<br><br>1. U.S. Environmental Protection Agency<br>Robert S. Kerr Environmental Research Center<br><br>2. 919 Kerr Research Drive<br>P.O. Box 1198<br>Ada, Oklahoma 74821-1198 | In accordance with application dated<br>August 12, 2013<br><br>3. License number 35-11581-02 is renewed in<br>its entirety to read as follows:<br><br>4. Expiration date February 29, 2024<br><br>5. Docket No. 030-09517<br>Reference No. |
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| 6. Byproduct, source, and/or special nuclear material<br><br>A. Hydrogen-3<br>B. Carbon-14<br>C. Phosphorus-32<br>D. Chlorine-36<br>E. Cobalt-60<br>F. Nickel-63<br><br>G. Americium-241:Be | 7. Chemical and/or physical form<br><br>A. Any<br>B. Any<br>C. Any<br>D. Any<br>E. Sealed Source (Tracerlab Model R-31)<br>F. Sealed Source (Foil or plated sources in accordance with its corresponding sealed source and device registration certificate)<br>G. Sealed neutron source (AEA Technology Model AMN.V997; Isotope Product Laboratories Model AM1.NO2) | 8. Maximum amount that licensee may possess at any one time under this license<br><br>A. 10 millicuries total<br>B. 20 millicuries total<br>C. 5 millicuries total<br>D. 2 millicuries total<br>E. 5 millicuries per source and 5 millicuries total<br>F. 15 millicuries per source and 225 millicuries total<br>G. 11 millicuries per source and 11 millicuries total |
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9. Authorized Use:
- A. through D. To be used for research and development as defined in 10 CFR 30.4. Research and development to include tracer studies, chemical degradation studies, sources for internal calibration and standardization of ionizing radiation measuring instruments, plant studies, the preparation of laboratory standards, analysis of environmental samples, and use in analytical instruments.
  - E. To be used for the calibration of instruments and training of personnel.

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- F. To be used for sample analysis in compatible gas chromatography devices that have been registered either with NRC under 10 CFR 32.210 or with an Agreement State and have been distributed in accordance with an NRC or Agreement State specific license authorizing distribution to persons specifically authorized by an NRC or Agreement State license to receive, possess, and use the devices.
- G. To be used in a Troxler Electronic Laboratories Model 4302 portable gauging device for measuring physical properties of materials.

**CONDITIONS**

10. A. Licensed material identified in items 6.A. through 6.G. shall be used and/or stored at the licensee's facilities located at the Robert S. Kerr Environmental Research Center, 919 Kerr Research Drive, Ada, Oklahoma.
- B. Licensed material identified in items 6.F. and 6.G. may be stored and/or used at temporary job sites of the licensee anywhere in the United States.
11. Licensed materials shall be used by, or under the supervision of, Garmon B. Smith, Jr., and Anthony R. Lee.
12. The Radiation Safety Officer (RSO) for this license is Garmon B. Smith, Jr.
13. The licensee shall conduct a physical inventory every 6 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.
14. A. Sealed sources and detector cells 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 by an Agreement State.
- B. Notwithstanding Paragraph A of this Condition, sealed sources and detector cells designed to emit alpha particles shall be tested for leakage and/or contamination at intervals not to exceed 3 months.
- C. 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 by an Agreement State, prior to the transfer, a sealed source and/or detector cell received from another person shall not be put into use until tested and the test results received.
- D. Sealed sources and detector cells need not be tested if they contain only hydrogen-3; or they contain only a radioactive gas; or the half-life of the isotope is 30 days or less; or they contain not more than 100 microcuries of beta and/or gamma emitting material or not more than 10 microcuries of alpha emitting material.

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- E. Sealed sources and detector cells 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 and/or detector cell shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.
- F. 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. The report shall be filed within 5 days of the date the leak test result is known with the U.S. Nuclear Regulatory Commission, Region IV, 1600 East Lamar Boulevard, Arlington, Texas 76011-4511, ATTN: Director, Division of Nuclear Materials Safety. The report shall specify the source involved, the test results, and corrective action taken. Records of leak test results shall be kept in units of microcuries and shall be maintained for inspection by the Commission. Records may be disposed of following Commission inspection.
- G. Tests for leakage and/or contamination shall be performed by persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services. In addition, the licensee is authorized to collect leak test samples but not perform the analysis; analysis of leak test samples must be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.
- H. Records of leak test results shall be kept in units of microcuries and shall be maintained for 3 years.
15. Maintenance, repair, cleaning, replacement, and disposal of foils contained in detector cells shall be performed only by the device manufacturer or other persons specifically authorized by the Commission or an Agreement State to perform such services.
16. Sealed sources or detector cells containing licensed material shall not be opened or sources removed from source holders by the licensee.
17. A. Detector cells containing a titanium tritide foil or a scandium tritide foil shall only be used in conjunction with a properly operating temperature control mechanism which prevents the foil temperature from exceeding that specified by the manufacturer and approved by U.S. Nuclear Regulatory Commission.
- B. When in use, detector cells containing a titanium tritide foil or a scandium tritide foil shall be vented to the outside.
18. The licensee shall not acquire licensed material in a sealed source or device unless the source or device has been registered with the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.210 or equivalent regulations of an Agreement State.

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19. The licensee is authorized to hold byproduct material with a physical half-life of less than or equal to 120 days for decay-in-storage before disposal without regard to its radioactivity if the licensee:
- A. Monitors byproduct material at the surface before disposal and determines that its radioactivity cannot be distinguished from the background radiation level with an appropriate radiation detection survey meter set on its most sensitive scale and with no interposed shielding; and
  - B. Removes or obliterates all radiation labels, except for radiation labels on materials that are within containers and that will be managed as biomedical waste after they have been released from the licensee; and
  - C. Maintains records of the disposal of licensed materials for 3 years. The record must include the date of the disposal, the survey instrument used, the background radiation level, the radiation level measured at the surface of each waste container, and the name of the individual who performed the disposal.
20. The licensee shall not use licensed material in or on human beings except as provided otherwise by specific condition of this license.
21. Experimental plants, or the products from experimental plants, that have been administered licensed materials shall not be used for human consumption.
22. This license does not authorize commercial distribution of licensed material.
23. The licensee is authorized to transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
24. The licensee shall maintain records of information related to decommissioning as specified in 10 CFR 30.35(g) until this license is terminated by the Commission.
25. The licensee shall not use licensed material in field applications where activity is released to the environment except as provided otherwise by specific condition of this license.
26. Radioactive waste generated shall be stored in accordance with the statements, representations and procedures included with the waste storage plan described in the licensee's application dated August 12, 2013, and letter dated January 17, 2014.
27. Sealed sources or source rods containing licensed material shall not be opened or sources removed or detached from source rods or portable gauges by the licensee, except as specifically authorized.
28. Except for maintaining labeling as required by 10 CFR Part 20 or 71, the licensee shall obtain authorization from U.S. Nuclear Regulatory Commission before making any changes in the sealed source, device, or source-device combination that would alter the description or specifications as indicated in the respective Certificates of Registration issued either by the Commission pursuant to 10 CFR 32.210 or by an Agreement State.

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29. 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, storage or when not under the direct surveillance of an authorized user.
30. 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 other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.
31. 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. Notification and reporting requirements should be made to the NRC Emergency Operations Center at 301-816-5100.
32. 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 August 12, 2013 (ML13241A532)
- B. Letter dated January 17, 2014 with enclosures (ML14022A119)

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date: February 3, 2014

By: /RA/  
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