

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, 37, 39, 40, 70, and 71, 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. University of South Dakota 2. 414 East Clark Street Vermillion, South Dakota 57069-2390	In accordance with letter dated January 5, 2016 3. License number 40-02331-19 is amended in its entirety to read as follows: 4. Expiration date October 31, 2024 5. Docket No. 030-15186 Reference No.
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6. Byproduct, source, and/or special nuclear material A. Any byproduct material as specified in Section 33.100, Schedule A, Column I of 10 CFR Part 33 (Type B Broad Scope License) B. Americium-241:Be C. Cesium-137	7. Chemical and/or physical form A. Any B. Sealed neutron source (QSA Global, Inc., product code AMNB3423 [drawing VZ-342]; Eckert & Ziegler Isotope Products Model GF-241-D) C. Sealed source (Industrial Reactor Lab Model Series 2; 3M Co. Models 4P6E and 4F6S; Isotope Products Lab. Models 193 and 225; Amersham Model CDC.800 Series; J.L. Shepherd & Associates Model 6810; New England Nuclear/Du Pont Merck Pharmaceuticals Models NER-570 Series and NER-580 Series)	8. Maximum amount that licensee may possess at any one time under this license A. See condition 11 B. 90 microcuries per source and 360 microcuries total C. 160 millicuries total
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9. Authorized Use:	
A. and B.	Research and development as defined in 10 CFR 30.4; animal studies, student education and training.
C.	To be used in the calibration of licensee's survey instruments using a J.L. Shepherd & Associates Model 10 calibrator.

CONDITIONS

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10. Licensed material shall be stored or used only at the licensee's facilities located at the University of South Dakota, 414 East Clark Street, Vermillion, South Dakota, and at USD-School of Medicine, 1400 West 22nd Street, Sioux Falls, South Dakota.
- A. Licensed material shall be used by, or under the supervision of, individuals designated in writing by the Radiation Safety Officer.
- B. The Radiation Safety Officer for this license is Ryan MacLellan, Ph.D.
11. If only one radionuclide is possessed, the possession limit is the quantity specified for that radionuclide in 10 CFR 33.100, Schedule A, Column 1. If two or more radionuclides are possessed, the possession limit is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in 10 CFR 33.100, Schedule A, Column 1, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.
12. In addition to the possession limits in Conditions 8 and 11, 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.
13. In addition to the possession limits in Conditions 8 and 11, the licensee shall further restrict the possession of licensed material to quantities below the limits specified in 10 CFR 30.72 which require consideration of the need for an emergency plan for responding to a release of licensed material.
14. The licensee shall not use licensed material in or on human beings except as provided otherwise by specific condition of this license.
15. Experimental animals, or the products from experimental animals, that have been administered licensed materials shall not be used for human consumption.
16. 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.
17. This license does not authorize commercial distribution of licensed material.
18. A. Sealed sources and detector cells shall be tested for leakage and/or contamination at intervals not to exceed 6 months or at such other 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

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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.

- 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, including leak test sample collection and analysis, 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.
- H. Records of leak test results shall be kept in units of microcuries and shall be maintained for 3 years.
19. 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 3 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.
20. Sealed sources containing licensed material shall not be opened or sources removed from source holders by the licensee.
21. 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.
22. 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:
- 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
 - Removes or obliterates all radiation labels, except for radiation labels on materials that are within

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containers and that will be managed as biohazard 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.
23. 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.
24. 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."
25. Radioactive waste generated shall be stored in accordance with the statements, representations and procedures included in the licensee's application dated May 2, 2014 and letter dated October 27, 2014.
26. 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 May 2, 2014 with enclosures (ML14135A142, ML14135A159, ML14135A163)
 B. Letter dated October 27, 2014 with enclosures (ML14301A471)
 C. Letter dated February 02, 2015 (ML15057A536)
 D. Email received May 07, 2015 (ML15132A686)
 E. Letter dated March 25, 2016 with enclosures (ML16097A156)

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

/RA/

Date: April 6, 2016

By: _____

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 Division of Nuclear Materials Safety
 Region IV
 Arlington, Texas 76011-4511