

DCD/ACB

FEB 04 1991

Environmental Protection Agency
ATTN: George T. Moore, Ph.D.
Radiation Safety Officer
MS 287
26 W. Martin Luther King Drive
Cincinnati, OH 45268

Gentlemen:

As discussed with Mr. Moore during a phone conversation on January 22, 1991, we have determined that the possession limits authorized by your license does warrant a Decommissioning Financial Assurance Plan. Amendment No. 07 issued on June 14, 1990, did not reduce the possession limits sufficiently to exempt you from having a Decommissioning Financial Assurance Plan.

Specifically, you will need to reduce your possession of Calcium-45 and Cadmium-109 to less than 5 millicuries each and, in addition, request that a condition be added to your license to restrict your possession of material with Atomic Nos. 1-83 to below those limits listed in 10 CFR Part 30.35(c) (3) (d).

If you find that it is not feasible to reduce your possession limits to those stated above, you will need to submit to the NRC your Statement of Intent as outlined in 10 CFR Part 30.35(f) (4). Enclosed is a copy of 10 CFR Part 30 and Regulatory Guide 3.66 to help you with the development of your Statement of Intent.

Please submit your Statement of Intent within 60 days of receipt of this letter.

If you have any questions regarding the above information, please contact us at (708) 790-5625.

Sincerely,

Original Signed By
Patricia M. Vacherlon
Materials Licensing Section

- Enclosures:
1. 10 CFR 30
 2. Regulatory Guide 3.66

RIII
[Handwritten Signature]
 Vacherlon/cs
 1/24/91

ML
31

CONVERSATION RECORD

TIME *Am*

DATE *1-22-91*

TYPE VISIT CONFERENCE TELEPHONE

INCOMING
 OUTGOING

ROUTING	
NAME/SYMBOL	INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

George Moore

ORGANIZATION (Office, dept., bureau, etc.)

EPA

TELEPHONE NO.

SUBJECT

SUMMARY

I explained to him why he'll need decommissioning. I said I'd follow up with a letter.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

J MacArthur

DATE

1/22/91

ACTION TAKEN

SIGNATURE

TITLE

DATE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF RESEARCH AND DEVELOPMENT
HEALTH EFFECTS RESEARCH LABORATORY
CINCINNATI, OHIO 45268

Nov. 13, 1990

Mr. William J. Adam
Materials Licensing Section
U.S. Nuclear Regulatory Commission
Region III
7999 Roosevelt Road
Glen Ellyn, Illinois 60137

Docket # 030-13379
License No 34-12736-02

Dear Mr. Adam:

In response to the letter we received from Mr. A. Bert Davis, Regional Administrator, NRC, I am transmitting to you a copy of Amendment 07 to our license, and copy of our letter to you, dated May 31, 1990.

This letter and the text of the Amendment explain, why we do not need to submit a decommissioning funding plan.

Please forward these documents to the appropriate evaluating officials within NRC.

Thank you for your prompt attention to this matter,

Sincerely,

George T. Moore, Ph.D.
Radiation Safety Officer

Enclosures: Amendment 07 to NRC License
Copy of Letter Dated May 31, 1990

RECEIVED
NOV 16 1990
REGION III

NOV 16 1990



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

November 2, 1990

Docket No. 03013379
License No. 34-12736-02

Environmental Protection Agency
26 W. Martin Luther King Drive
Cincinnati, OH 45268

Gentlemen:

As of July 27, 1990, you were required to comply with 10 CFR 30.35, of the NRC regulations, which requires licensees with quantities of licensed material that you are authorized to possess to submit a decommissioning funding plan or a certificate that financial assurance for decommissioning has been provided. Our records indicate that NRC has not yet received your response to this requirement. Therefore, you appear to be in violation of 10 CFR 30.35.

The NRC considers violation of this requirement to be a significant regulatory concern. Therefore, in order for the NRC to determine whether your license should be modified, suspended or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, you are required to respond as described in the enclosed Demand for Information within 30 days.

If you have any questions concerning this request, please contact our Materials Licensing Section at (708) 790-5625.

Sincerely,

A handwritten signature in cursive script that reads "A Bert Davis".

A. Bert Davis
Regional Administrator

Enclosure: Demand for Information

cc w/enclosure:
DCD/DCB(RIDS)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the matter of

Docket No. 03013379
License No. 34-12736-02

Environmental Protection Agency
26 W. Martin Luther King Drive
Cincinnati, OH 45268

DEMAND FOR INFORMATION

I

Environmental Protection Agency holds byproduct materials License No. 34-12736-C2, issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 C.F.R. Part 30. The License authorizes the Licensee to use and possess byproduct material in accordance with the terms and conditions specified therein and the applicable regulations.

II

As of July 27, 1990, the Licensee was required to comply with 10 C.F.R. § 30.35 of the Commission's regulations, which requires licensees with quantities of licensed material that the Licensee is authorized to possess to submit either a decommissioning funding plan or a certification of financial assurance for decommissioning in the amount prescribed in 10 C.F.R. § 30.35, in accordance with the criteria set forth in that section. The NRC staff has not yet received the Licensee's response to this requirement. Therefore, the Licensee appears to be in violation of this requirement.

The violation of the requirements of 10 C.F.R. § 30.35 is a significant regulatory concern to the NRC staff. Therefore, further information is needed to determine whether the Commission can have reasonable assurance that the Licensee will satisfy the requirements of 10 C.F.R. § 30.35 and otherwise conduct its activities in accordance with the Commission's requirements.

III

Accordingly, pursuant to sections 161c, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and 10 C.F.R. § 30.32(b), in order for the Commission to determine whether your license should be modified, suspended, or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, the Licensee is required to submit to the Administrator, Region III, 799 Roosevelt Road, Glen Ellyn, IL 60137, within 30 days of the date of this Demand for Information, the following information, in writing and under oath or affirmation:

1. If the Licensee believes that 10 C.F.R. § 30.35 does not apply to it, the basis for that determination (if the Licensee determines that it is not subject to 10 C.F.R. § 30.35, the Licensee need not satisfy the remaining requirements in this Demand for Information unless notified by the Regional Administrator, Region III);
2. If the Licensee has already submitted a surety instrument to the NRC, the date the Licensee submitted the surety and the address the Licensee sent it to (if the Licensee has already submitted a surety instrument to the NRC, the Licensee need not satisfy the remaining requirements in this Demand for Information unless notified by the Regional Administrator, Region III);

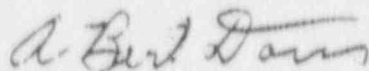
3. Whether the Licensee has obtained a commitment from a financial institution to provide the required financial instrument;
4. If the Licensee has obtained a commitment from a financial institution to provide the required financial instrument, when the Licensee expects to provide the instrument to the NRC and, if the Licensee does not provide the instrument within 30 days of the date of this Demand for Information, a complete explanation of why not must be provided in its place;
5. If the Licensee has not obtained a commitment from a financial institution to provide the required financial instrument, a complete description of why the Licensee has not obtained the required instrument, including:
 - a) the names, addresses, and telephone numbers of the financial institutions and individual persons at those institutions the Licensee has contacted in order to obtain the required instrument and the dates of principal contacts; and
 - b) if the Licensee has applied to one or more financial institutions for a financial assurance instrument and the application or applications have been denied, copies of i) the applications and denials, ii) the Licensee's most recent audited balance sheet showing all assets and liabilities, iii) the Licensee's most recent audited profit and loss statement, iv) the Licensee's federal tax returns for the last three years, and v) an explanation of why the applications were denied;
6. If the Licensee does not provide the required financial instrument within 30 days of the date of this Demand for Information:
 - a) describe all disposals of radioactive material that have been made on site under 10 C.F.R. § 20.302 or § 20.304, including records of the disposals indicating their location, number, isotope description, quantities, and dates of disposal;
 - b) describe the nature of any contamination of buildings, equipment, soil, or groundwater, including area or volume contaminated, isotope, and concentrations per unit area or volume;
 - c) describe the nature of any radioactive material in storage either as inventory, in production, or waste;
 - d) describe any increase in the amount of accumulated radioactive waste or contamination of buildings, equipment, soil, or groundwater resulting from continuing operations, including the type of waste or contamination, its location, and the rate of increase per month;
 - e) describe current plans to remove stored waste or decontaminate buildings, equipment, soil, or groundwater, including a schedule, identification of the repository proposed to receive the waste or contaminated materials, and the source of funds for implementing the plans; and

7. If the Licensee does not submit the required instrument within 30 days of the date of this Demand for Information, the Licensee shall provide a statement demonstrating why the NRC staff should have confidence that the Licensee will be able to fully decontaminate its site or sites by the expiration date of its current license.

A copy shall also be sent to the Director, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards, Washington, D.C. 20555.

After reviewing your response, the NRC will determine whether further action is necessary to ensure compliance with regulatory requirements.

FOR THE NUCLEAR REGULATORY COMMISSION



A. Bert Davis
Regional Administrator

Dated at Glen Ellyn, Illinois
this 2nd day of November 1990



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

CINCINNATI, OHIO 45268

May 31, 1990

Mr. William J. Adam
Materials Licensing Section
U.S. Nuclear Regulatory Commission
Region III
7999 Roosevelt Road
Glen Ellyn, IL 60137

Docket #030-13379
Control #84692
License #34-12736-02
Docket #070-02606
License #SNM-1740

Dear Mr. Adam:

Please accept our thanks for the prompt renewal of our institutional license. I am requesting the following changes in our licensure:

- a. Cancellation of Special License #SNM-1740 which originally permitted us to use 22 uCi of Plutonium. In the past, very small amounts of Pu isotope have been used for analysis of heavy nuclides in drinking water samples. This research has been discontinued, and the standards have been either used up, or disposed of by ADCC Inc., on December 6, 1988. I am enclosing a certificate of disposition of materials for this item.
- b. Our Radiation Safety Committee reviewed the possession limits on our License #34-12736-02, and after much deliberation and computation of anticipated requirements, as compared to the requirements for Financial Assurance Required for Decommissioning, we made the following decision:

We request to drop Co-60 entirely, and reduce the following possession limits:

Isotope	From Previously Licensed	To Future Limit
H-3	2 Ci	1 Ci
Na-22	10 mCi	5 mCi
Ca-45	1 Ci	10 mCi
Sr-90	100 mCi	1 mCi
Cd-109	100 mCi	10 mCi

Mr. William J. Adam
Materials Licensing Section
U.S. Nuclear Regulatory Commission
Region III
7999 Roosevelt Road
Glen Ellyn, IL 60137

2

Docket #030-13379
Control #84692
License #34-12736-02
Docket #070-02606
License #SNM-1740

Based on NRC guidelines for determining amount for financial assurance required as a function of radionuclide activity levels, we will not be required to set aside an escrow sum.

I would like to request your concurrence with our plans to conduct personnel dosimetry cycles (TLD) quarterly, rather than monthly. Our exposure levels are so low that quarterly measurements would decrease the incidence of false negatives.

Sincerely,



George T. Moore, Ph.D.
Radiation Safety Officer

Enclosure:

NRC Form 314 - Certificate of Disposition of Materials

CERTIFICATE OF DISPOSITION OF MATERIALS

ESTIMATED BURDEN PER RESPONSE TO COMPLY WITH THIS INFORMATION COLLECTION REQUEST IS 4 HRS. FORWARD COMMENTS REGARDING BURDEN ESTIMATE TO THE RECORDS AND REPORTS MANAGEMENT BRANCH (F-330) U.S. NUCLEAR REGULATORY COMMISSION WASHINGTON, DC 20555 AND TO THE PAPERWORK REDUCTION PROJECT (3150-0026) OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC 20503

INSTRUCTIONS: SEND THE COMPLETED CERTIFICATE TO THE NRC OFFICE SPECIFIED ON THE REVERSE.

(All items MUST be completed - print or type)

LICENSEE NAME AND ADDRESS

U.S.EPA
26 W. Martin Luther King Drive MS 273
Cincinnati, OH 45268

LICENSE NUMBER

SNM-1740

LICENSE EXPIRATION DATE

February 28, 1994

THE LICENSEE OR ANY INDIVIDUAL EXECUTING THIS CERTIFICATE ON BEHALF OF THE LICENSEE CERTIFIES THAT
(Check and/or complete the appropriate item(s) below.)

A. MATERIALS DATA (Check one and complete as necessary.)

1. NO MATERIALS HAVE EVER BEEN PROCURED OR POSSESSED BY THE LICENSEE UNDER THIS LICENSE.
2. ALL MATERIALS PROCURED AND/OR POSSESSED BY THE LICENSEE UNDER THE LICENSE NUMBER CITED ABOVE HAVE BEEN DISPOSED OF IN THE FOLLOWING MANNER. (If additional space is needed, use the reverse side or provide attachments.)
- Describe specific material transfer actions and, if there were radioactive wastes generated in terminating this license, the disposal actions, including the disposition of low-level radioactive waste, mixed waste, Greater than-Class-C waste, and sealed sources, if applicable.
- Very small quantities of Plutonium (239, 236 and 242) were used as tracer, solutions for environmental sample analysis in picocurie amounts. The studies have been discontinued and the isotopes (Diddizml) disposed on the 6th of December 1988 via ADCO Services.
- For transfers, specify the date of the transfer, the name of the licensed recipient, and the recipient's NRC license number or Agreement State name and license number.
- If materials were disposed of directly by the licensee rather than transferred to another licensee, licensed disposal site or waste contractor, describe the specific disposal procedures (e.g., decay in storage).

B. OTHER DATA

1. OUR LICENSE HAS NOT YET EXPIRED. PLEASE TERMINATE IT.
2. WAS A RADIATION SURVEY CONDUCTED TO CONFIRM THE ABSENCE OF LICENSED RADIOACTIVE MATERIALS AND TO DETERMINE WHETHER ANY CONTAMINATION REMAINS ON THE PREMISES COVERED BY THE LICENSE? (Check one)
- NO (Attach explanation)
- YES, THE RESULTS (Check one)
- ARE ATTACHED, or
- WERE FORWARDED TO NRC ON (Date) above background. We have not submitted any *
3. THE PERSON TO BE CONTACTED REGARDING THE INFORMATION PROVIDED ON THIS FORM

NAME	TELEPHONE NUMBER
George T. Moore, Ph.D. Radiation Safety Officer	(513)569-7269

4. MAIL ALL FUTURE CORRESPONDENCE REGARDING THIS LICENSE TO

George T. Moore, Ph.D.
Industrial Hygiene and Safety Manager
U.S.EPA 26 W. Martin Luther King Drive MS 273
Cincinnati, OH 45268

CERTIFYING OFFICIAL

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNATURE

George T. Moore

DATE

June 1, 1990

PRINTED NAME AND TITLE

George T. Moore Industrial Hygiene and Safety Manager

WARNING: FALSE STATEMENTS IN THIS CERTIFICATE MAY BE SUBJECT TO CIVIL AND/OR CRIMINAL PENALTIES. NRC REGULATIONS REQUIRE THAT SUBMISSIONS TO THE NRC BE COMPLETE AND ACCURATE IN ALL MATERIAL RESPECTS. 18 U.S.C. SECTION 1001 MAKES IT A CRIMINAL OFFENSE TO MAKE A WILLFULLY FALSE STATEMENT OR REPRESENTATION TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES AS TO ANY MATTER WITHIN ITS JURISDICTION.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License number

34-12736-02

Docket or Reference number

030-13379

Amendment No. 07

N. Bromine-82	N. Any	N. 100 millicuries
O. Rubidium-86	O. Any	O. 10 millicuries
P. Strontium-90	P. Any	P. 1 millicurie
Q. Cadmium-109	Q. Any	Q. 10 millicuries
R. Iodine-125	R. Any	R. 1 curie
S. Iodine-131	S. Any	S. 1 curie
T. Any byproduct material with Atomic Numbers 1 through 83, inclusive.	T. Any	T. 100 millicuries total

9. Authorized Use:

A. through L. and N. through S. to be used for research and development as defined in 10 CFR Part 30, Section 30.4(q) including irradiations, tracer studies, animal studies and preparation of standards.

M. To be used in gas chromatograph for sample analysis.

T. To be used for preparation of standards and analysis of environmental samples.

10. Licensed material shall be used only at the licensee's facilities located at 26 W. Martin Luther King Drive, Cincinnati, Ohio, 3411 Church Street, Newton, Ohio, 5995 Center Hill Road, Cincinnati, Ohio and 1600 Gest Street, Cincinnati, Ohio.

11. A. Licensed material shall be used by, or under the supervision of, individuals designated by the U.S. Environmental Protection Agency Radiation Safety Committee, Anthony B. DeAngelo, Ph.D., Chairman.

B. The Radiation Protection Officer for the activities authorized by this license is George T. Moore, Ph.D.

12. A. (1) Each sealed source acquired from another person and containing licensed material, other than hydrogen-3, with a half-life greater than 30 days and in any form other than gas shall be tested for contamination and/or leakage before use. In the absence of a certificate from a transfer or indicating that a test has been made within 6 months before the transfer, a sealed source received from another person shall not be put into use until tested.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License number

34-12736-02

Docket or Reference number

030-13379

Amendment No. 07

N. Bromine-82	N. Any	N. 100 millicuries
O. Rubidium-86	O. Any	O. 10 millicuries
P. Strontium-90	P. Any	P. 1 millicurie
Q. Cadmium-109	Q. Any	Q. 10 millicuries
R. Iodine-125	R. Any	R. 1 curie
S. Iodine-131	S. Any	S. 1 curie
T. Any byproduct material with Atomic Numbers 1 through 83, inclusive.	T. Any	T. 100 millicuries total

9. Authorized Use:

A. through L. and N. through S. to be used for research and development as defined in 10 CFR Part 30, Section 30.4(q) including irradiations, tracer studies, animal studies and preparation of standards.

M. To be used in gas chromatograph to sample air.

T. To be used for preparation of standards and analysis of environmental samples.

10. Licensed material shall be used only at the licensee's facilities located at 26 W. Martin Luther King Drive, Cincinnati, Ohio, 3411 Church Street, Newton, Ohio, 5995 Center Hill Road, Cincinnati, Ohio and 1600 Gest Street, Cincinnati, Ohio.

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