



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

July 15, 2022

William Peters, Ph.D.
Radiation Safety Officer
Niowave, Inc.
1012 N. Walnut Street
Lansing, MI 48906

SUBJECT: AMENDMENT NO. 03 TO RADIOACTIVE MATERIALS LICENSE FOR NIOWAVE, INC., NRC LICENSE NO. 21-35144-04

Dear Dr. Peters:

Enclosed is Amendment No. 03 to your U.S. Nuclear Regulatory Commission (NRC) Materials License No. 21-35144-04 in accordance with your March 15, 2021, and September 3, 2021, requests. Based on the radioactive material requested, you submitted an emergency plan in accordance with the NRC regulations specified in Title 10 of *the Code of Federal Regulations* (10 CFR) 30.32. The plan was reviewed and found to be acceptable by the Office of Nuclear Security and Incident Response (NSIR). A safety evaluation is enclosed.

Please note that, we did not add low enrichment uranium (LEU) to your license. In the letter dated May 19, 2021, you requested the possession of LEU for storage and elemental assaying. In the subsequent application dated October 1, 2021, you proposed to use the LEU in a subcritical assembly for the production of molybdenum-99. Later, you submitted the letter dated January 12, 2022, to withdraw the request for LEU.

In addition, we did not increase the possession limit for special nuclear material (SNM) scrap and associated radionuclides in the license. Since the license was authorized for SNM scrap on January 20, 2021, Niowave, Inc. has not received any SNM scrap to perform related licensed activities (research and development). Therefore, we determined Niowave, Inc. does not have an immediate need to increase the possession limit for SNM scrap at this time. This was discussed with you on telephone on July 15, 2022. During the call, you addressed that Niowave is planning to submit an amendment request to remove SNM scrap and associated radionuclides from the license.

Based on our standard radionuclides list and that Items 6.BG. and 6.BH. cover the radionuclides with atomic numbers from 1 through 83, we listed the atomic numbers for Items 6.BC. and 6.BD. from 84 to 104. If you need to make any adjustment for the possession limit for these line items, please let us know.

An environmental assessment for this action is not required because this action is categorically excluded under 10 CFR Section 51.22(c).

The enclosed document contains sensitive security-related information.
When separated from this cover letter this letter is uncontrolled.

W. Peters

-2-

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. NRC Region III office at (630) 829-9887 so that we may provide appropriate corrections and answers.

You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation; or imposition of a civil penalty; or an Order suspending, modifying, or revoking your license as specified in the NRC Enforcement Policy. Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance that NRC expects of its licensees.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

NRC's Regulatory Issue Summary (RIS) RIS 2005-31 provides criteria to identify security related sensitive information and guidance for handling and marking of such documents. This ensures that potentially sensitive information is not made publicly available through NRC's ADAMS, the NRC's electronic document system. Pursuant to NRC's RIS 2005-31 and in accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," the enclosed license document is exempt from public disclosure because its disclosure to unauthorized individuals could present a security vulnerability. The RIS may be located on the NRC's Generic Communications Web page under "Regulatory Issue Summaries" at <https://www.nrc.gov/reading-rm/doc-collections/gen-comm/>, and the link for frequently asked questions regarding protection of security-related sensitive information may be located at <https://www.nrc.gov/reading-rm/sensitive-info/faq.html>.

A copy of this letter and the Emergency Plan Safety Evaluation will be available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS, accessible from the NRC Web site at <https://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

Frank P. Tran

Digitally signed by Frank P. Tran
Date: 2022.07.15 17:43:51 -05'00'

Frank P. D. Tran
Health Physicist
Materials Licensing Branch

W. Peters

-3-

Docket No.: 070-07031
License No.: 21-35144-04
Control No.: 624914

Enclosures:

- 1) Amendment No. 03 to NRC License No. 21-35144-04
- 2) Emergency Plan Safety Evaluation