



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

July 18, 2006

Docket No. 03006111  
Control No. 137573

License No. 37-03698-01

Tonda L. Lewis  
Radiation Safety Officer  
Pennsylvania Dept. Of Environmental Protection  
Bureau of Radiation Protection  
P.O. Box 8469  
Harrisburg, PA 17105-8469

SUBJECT: PENNSYLVANIA DEPT. OF ENVIRONMENTAL PROTECTION, CORRECTED  
COPY OF LICENSE, CONTROL NO. 137573

Dear Ms. Lewis:

Enclosed is the Corrected Copy of Amendment No. 30 for License No. 37-03698-01. An inspector noticed that the address for the Pottsville, Pennsylvania location was incorrect on the license during an inspection on July 12, 2006. Condition No. 10 has been changed to correct the street name for your Pottsville, Pennsylvania location.

We apologize for any inconvenience this error may have caused.

Sincerely,

***Original signed by James P. Dwyer***

James P. Dwyer, Chief  
Commercial and R&D Branch  
Division of Nuclear Materials Safety

Enclosure:  
Corrected Copy of Amendment No. 30

T. Lewis 2  
Pennsylvania Dept. Of Environmental Protection

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**SUNSI Review Complete: DLawyer**

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OFFICE	DNMS/RI	N	DNMS/RI	N	DNMS/RI			
NAME	DLawyer/DRL		JDwyer/JPD					
DATE	07/18/2006		7/18/2006					

OFFICIAL RECORD COPY

## CORRECTED COPY

## 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.

<p style="text-align: center;">Licensee</p> <p>1. Pennsylvania Department of Environmental Protection</p> <p>2. Bureau of Radiation Protection P.O. Box 8469 Harrisburg, Pennsylvania 17105-8469</p>	<p>In accordance with the letter dated August 19, 2005,</p> <p>3. License number 37-03698-01 is amended in its entirety to read as follows:</p> <p>4. Expiration date December 31, 2011</p> <p>5. Docket No. 030-06111 Reference No.</p>	
<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Any byproduct material with atomic numbers 3 through 83</p> <p>B. Hydrogen 3</p> <p>C. Neptunium 237</p> <p>D. Americium 241</p> <p>E. Curium 244</p> <p>F. Californium 252</p> <p>G. Cesium 137</p> <p>H. Cesium 137</p> <p>I. Americium 241</p>	<p>7. Chemical and/or physical form</p> <p>A. Any</p> <p>B. Any</p> <p>C. Any</p> <p>D. Any</p> <p>E. Sealed sources</p> <p>F. Plated source</p> <p>G. Sealed sources (Isotope Products, Inc. Model M)</p> <p>H. Sealed sources registered either with the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or with an Agreement State.</p> <p>I. Sealed neutron sources registered either with the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or with an Agreement State.</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. 1 millicuries per radionuclide and 10 millicuries total</p> <p>B. 5 millicuries</p> <p>C. 10 microcuries</p> <p>D. 10 microcuries</p> <p>E. 0.5 microcurie</p> <p>F. 0.5 microcurie</p> <p>G. 100 microcuries per source and 1 millicuries total</p> <p>H. No single source to exceed the maximum activity specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission or an Agreement State</p> <p>I. No single source to exceed the maximum activity specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission or an Agreement State</p>

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**CORRECTED COPY****9. Authorized use:**

- A. through F. For instrument calibration, radiochemical technique development, sample preparation, collection of environmental samples for analysis and storage.
- G. For calibration of licensee's instruments.
- H. and I. For measuring physical properties of materials, in portable gauging 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.

**CONDITIONS**

10. A. Licensed material in Items 6.A. through 6.F. may be used at the licensee's facilities located at 2575 Interstate Drive, Harrisburg, Pennsylvania.
- B. Licensed material in Item 6.G may be used at the licensee's facilities located at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, Pennsylvania; the DEP Southwestern Regional Office, 500 Waterfront Drive, Pittsburgh, Pennsylvania, 2575 Interstate Drive, Harrisburg, Pennsylvania and at temporary job sites of the licensee anywhere in Pennsylvania where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material.
- C. Licensed material in Items 6.H. and 6.I. may be used at the licensee's facilities located at 5 West Laurel Boulevard, Pottsville, Pennsylvania, and at temporary job sites of the licensee anywhere in Pennsylvania where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material.
11. A. Licensed material in Items 6.A. through 6.G. shall be used by, or under the supervision of, Rory Kehler, Tonda Lewis, John Maher, Thomas J. Matukaitis, Mike Murphy, Richard Sheibley, Tarulatta Upadhyay, Michael Webb, Bryan Werner, Roy Woods, Jim Yusko, Rubeena Quazi or Christine Robbins. Licensed material in Item 6.G. shall be used by, or under the supervision of Gerald R. Dworsak and Jeffrey L. Whitehead.
- B. Licensed material in Items 6.H. and 6.I. shall only be used by, or under the supervision and in the physical presence of, individuals who have successfully completed the manufacturer's training program for gauge users, have been instructed in the licensee's routine and emergency operating procedures and who have been designated in writing by the Radiation Safety Officer.
- C. The Radiation Safety Officer for this license is Tonda L. Lewis.

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12. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified in 10 CFR 30.35(d), 40.36(b), and 70.25(d) for establishing financial assurance for decommissioning.
13. The licensee shall not use licensed material in or on human beings.
14. The licensee shall not use licensed material in field applications where it is released except as provided otherwise by specific condition of this license.
15. 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.
16. A. Sealed sources 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 under equivalent regulations of an Agreement State.
- B. Notwithstanding Paragraph A of this Condition, sealed sources designed to primarily 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 under equivalent regulations of an Agreement State, prior to the transfer, a sealed source received from another person shall not be put into use until tested and the test results received.
- D. Sealed sources 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.
- E. Sealed sources 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 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.

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- 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.
17. The licensee shall conduct a physical inventory every six months, or at other interval approved by the U.S. Nuclear Regulatory Commission, to account for all sealed sources and/or devices received and possessed under the license.
18. Sealed sources or source rods containing licensed material shall not be opened or sources removed or detached from source rods or gauges by the licensee, except as specifically authorized.
19. 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 or storage, or when not under the direct surveillance of an authorized user.
20. 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 by other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.
21. 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.
22. The licensee is authorized to hold radioactive material with a physical half-life of less than or equal to 120 days for decay-in-storage before disposal in ordinary trash, provided:
- A. Waste to be disposed of in this manner shall be held for decay a minimum of 10 half-lives.
- B. Before disposal as ordinary trash, the waste shall be surveyed at the container surface with the appropriate survey instrument set on its most sensitive scale and with no interposed shielding to determine that its radioactivity cannot be distinguished from background. All radiation labels shall be removed or obliterated.



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- C. A record of each such disposal permitted under this license condition shall be retained for 3 years. The record must include the date of disposal, the date on which the byproduct material was placed in storage, the radionuclides disposed, the survey instrument used, the background dose rate, the dose rate measured at the surface of each waste container, and the name of the individual who performed the disposal.
23. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
24. 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 received on December 4, 2001 [ML013440021]  
B. Letter dated October 27, 2003 [ML033240596]

For the U.S. Nuclear Regulatory Commission

Date July 18, 2006

By

***Original signed by Dennis R. Lawyer***

Dennis R. Lawyer  
Commercial and R&D Branch  
Division of Nuclear Materials Safety  
Region I  
King of Prussia, Pennsylvania 19406