



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

July 19, 2006

Docket No. 07003071
Control No. 138820

License No. SNM-1990

Scott M. Hurst, Ph.D.
Associate Provost
West Virginia University
Institute of Technology
Box 21, Old Main
405 Fayette Pike
Montgomery, WV 25136-2436

SUBJECT: WEST VIRGINIA UNIVERSITY, LICENSE AMENDMENT, CONTROL NO.
138820

Dear Dr. Hurst:

This refers to your license amendment request. Enclosed with this letter is the amended license. This amendment removes the authorization for the PuBe sealed sources that were confirmed to be transferred to the Los Alamos National Laboratory, and releases the Orndorff Hall location for unrestricted use.

We are continuing the review of the release of the Engineering Classroom Building, in which natural uranium was authorized for use pursuant to this license, under a separate licensing action. When that separate review is completed, this license will be terminated in future correspondence.

Please review the enclosed document carefully and be sure that you understand and fully implement all the conditions incorporated into the amended license. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region I Office, Licensing Assistance Team, (610) 337-5239, so that we can provide appropriate corrections and answers.

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14).

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Toolkit Index Page**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

S. Hurst
West Virginia University

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Thank you for your cooperation.

Sincerely,

Original signed by Elizabeth Ullrich

Betsy Ullrich
Senior Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Amendment No. 4

cc:
Keith R. Honey, Radiation Safety Officer
Nassar Razmianfar, Radiation Safety Officer

DOCUMENT NAME: G:\Docs\Mailed\Lic Cvr Letter\lsnm-1990.138820.07192006.wpd

SUNSI Review Complete: EUllrich

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DATE	7/19/2006							

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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>Licensee</p> <p>1. West Virginia institute of Technology Department of Physics</p> <p>2. 405 Fayette Place Montgomery, West Virginia 25136-2437</p>	<p>In accordance with the letter dated July 10, 2006</p> <p>3. License number SNM-1990 is amended in its entirety to read as follows:</p> <p>4. Expiration date February 28, 2013</p> <p>5. Docket No. 070-03071 Reference No. SNM-608</p>
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| <p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Natural Uranium</p> | <p>7. Chemical and/or physical form</p> <p>A. Natural uranium canned in cylindrical containers</p> | <p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. 250 kilograms</p> |
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9. Authorized use:
- A. Storage only until transferred to an authorized recipient in accordance with the provisions of 10 CFR 40.51.

CONDITIONS

10. Licensed material shall be located in Room 105 of the Engineering Classroom Building, West Virginia Institute of Technology, Montgomery, West Virginia, pending transfer to an authorized recipient.
11. The Radiation Safety Officer for this license is Keith R. Honey, Ph.D.
12. Licensed material shall be used by, or under the supervision of, George T. Carlson, Ph.D.; A. Edmond Wilson, Ph.D. or Keith R. Honey, Ph.D.
13. Sealed sources containing licensed material shall not be opened by the licensee.
14. A. (1) The sources shall be tested for leakage and/or contamination at intervals not to exceed 7 months, specifically within January and August of each calendar year. Any source received from another person which is not accompanied by a certificate indicating that a test was performed within 6 months before the transfer shall not be put into use until tested.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

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- (2) Notwithstanding the periodic leak test required by this condition, any licensed sealed source is exempt from such leak tests when the sources contains 100 microcuries (μCi) or less of beta and gamma emitting materials or 10 μCi or less of alpha emitting materials.
- B. Any source in storage and not being used need not be tested. When the source is removed from storage for use or transfer to another person, it shall be tested before use or transfer. No source shall remain in storage for more than 10 years without being tested for leakage and/or contamination.
- C. The leak test shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. If the test reveals the presence of 185 Bq 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.
- D. Tests for leakage and/or contamination, limited to leak test sample collection, 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. The licensee is not authorized to perform the analysis; analysis of leak test samples must be performed by persons specifically licensed by U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.
- E. Records of leak test results shall be kept in units of microcuries and shall be maintained for 5 years.

**MATERIALS LICENSE
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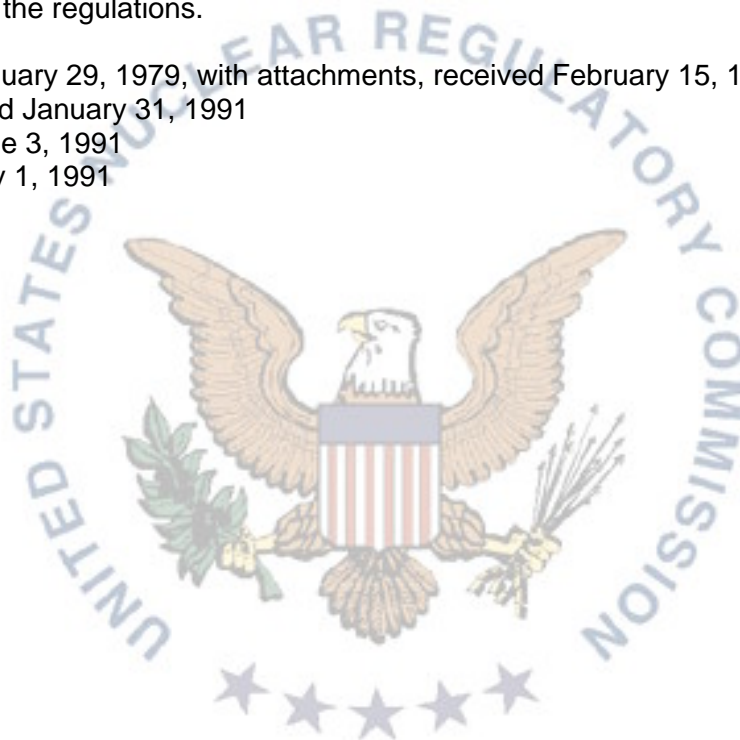
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15. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The U.S. Nuclear 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. Letter dated January 29, 1979, with attachments, received February 15, 1980
- B. Application dated January 31, 1991
- C. Letter dated June 3, 1991
- D. Letter dated July 1, 1991



For the U.S. Nuclear Regulatory Commission

Date July 19, 2006

By **Original signed by Elizabeth Ullrich**

Elizabeth Ullrich
Commercial and R&D Branch
Division of Nuclear Materials Safety
Region I
King of Prussia, Pennsylvania 19406