



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION IV
1600 E. LAMAR BLVD
ARLINGTON, TX 76011-4511

September 14, 2018

Gary J. Matcek, Radiation Safety Officer
ATTN: CSTE-WST-RPO
Department of the Army
Commander, White Sands Missile Range
White Sands Missile Range, NM 88002-5158

SUBJECT: LICENSE AMENDMENT

Please find enclosed Amendment Number 28 to NRC License Number 30-02405-10 acknowledging receipt of your letter dated June 11, 2018, and electronic communication dated July 26, 2018 containing additional information. Your letter requested NRC approval of engineering changes that will be performed to your dry source-storage irradiator. Please note that 10 CFR Part 36, "Licenses and Radiation Safety Requirements for Irradiators," contains requirements for the issuance of a license authorizing the use of sealed sources containing radioactive materials in irradiators and radiation safety requirements for operating irradiators. The scope of Part 36 is not the approval of a specific irradiator design or a specific engineering change. However, Part 36 do contain design requirements in section 36.39 that focus on radiation safety aspects such as shielding, foundation, radiation monitors, source rack, access control, fire protection, source return, seismic and wiring; and construction monitoring and acceptance testing in section 36.41. Please review these section to ensure that the proposed engineering design changes meet sections 36.39 and 36.41 as applicable to your dry source-storage irradiator. Compliance with sections 36.39 and 36.41 will be reviewed during NRC performance-based inspections.

Note that your request to change a sealed source model number has not been approved pending receipt from you of the corresponding sealed source and device registration certificate.

An environmental assessment for this licensing action is not required since this action is categorically excluded under 10 CFR 51.22(c)(14)(vii). You should review this license carefully and be sure that you understand all conditions. You can contact me at 817-200-1189 if you have any questions about this license.

**The enclosure transmitted
herewith contains Official Use
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The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement is 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 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 expects licensees to conduct their programs with meticulous attention to detail and a high standard of compliance. Because of the serious consequences to employees and the public that can result from failure to comply with NRC requirements, you must conduct your radiation safety program according to the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate by NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspection and Investigations," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Notify NRC in writing of any change in mailing address.
3. By 10 CFR 30.36(d) and/or license condition, notify NRC, promptly, in writing, and request termination of the license:
 - a. When you decide to terminate all activities involving materials authorized under the license whether at the entire site or any separate building or outdoor area;
 - b. If you decide not to acquire or possess and use authorized material; or
 - c. When no principal activities under the license have been conducted for a period of 24 months.
4. Request and obtain a license amendment before you:
 - a. Change Radiation Safety Officers;
 - b. Order byproduct material in excess of the amount, radionuclide or form authorized on the license;
 - c. Add or change the areas or address(es) of use identified in the license application or on the license; or
 - d. Change the name or ownership of your organization.
5. Submit a complete renewal application or termination request at least 30 days before the expiration date on your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of radioactive material after your license expires is a violation of NRC regulations.

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In addition, please note that NRC Form 313 requires the applicant, by signature, to verify that the applicant understands that all statements contained in the application are true and correct to the best of the applicant's knowledge. The signatory for the application should be the licensee or certifying official rather than a consultant. Since the NRC also accepts a letter requesting amendment of an NRC license, the signatory for such a request should also be the licensee or certifying official rather than a consultant.

NRC will periodically inspect your radiation safety program. Failure to conduct your program according to NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC may result in enforcement action against you. This could include issuance of a notice of violation; imposition of a civil penalty; or an order suspending, modifying, or revoking your license as specified in the NRC Enforcement Policy. The NRC Enforcement Policy is available at: <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

An electronic version of the NRC's regulations is available on the NRC Web site at www.nrc.gov. Additional information regarding use of radioactive materials may be obtained on the NRC Web site at <http://www.nrc.gov/materials/miau/mat-toolkits.html>. This site also provides the link to the toolbox for updated information on the revised regulations for naturally-occurring and accelerator-produced radioactive materials (NARM).

NRC's Regulatory Issue Summary (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 the NRC's Agencywide Documents Access and Management System (ADAMS). The RIS may be located on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/>. Pursuant to NRC's RIS 2005-31, this letter and the enclosed materials license will not be made publicly available.

Thank you for your cooperation.

Sincerely,

/RA/

Roberto J. Torres, M.S., Senior Health Physicist
Materials Licensing and Inspection Branch

Docket: 030-09345
License: 30-02405-10
Control: 609303

Enclosure: As stated