Amendment No. 28

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, 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.

Licensee	In accordance with letter dated June 20, 1996
1. Department of Veterans Affairs V.A. Medical Center 2. 1601 Perdido Street New Orleans, Louisiana 70146	3. License number 17-01322-07 is amended in its entirety to read as follows:
	4. Expiration date June 30, 2004
	5. Docket or Reference No 030-15040

6. Byproduct, source, and/or special nuclear material	7. Chemical and/or physical form	8. Maximum amount that licensee may possess at any one time under this license
A. Any byproduct material identified in 10 CFR 35.100	A. Any radiopharmaceutical identified in 10 CFR 35.100	A. As needed
B. Any byproduct material identified in 10 CFR 35.200	B. Any radiopharmaceutical identified in 10 CFR 35.200	B. As needed
C. Any byproduct material identified in 10 CFR 35.300	C. Any radiopharmaceutical identified in 10 CFR 35.300	C. 900 millicuries
D. Any byproduct material identified in 10 CFR 35.400	D. Any brachytherapy source identified in 10 CFR 35.400	D. As needed
E. Any byproduct material identified in 10 CFR 35.500	E. Sealed sources for diagnostic devices identified in 10 CFR 35.500	E. 2 curies per source
F. Any byproduct material identified in 10 CFR 31.11	F. Any, except as sealed sources	F. 200 millicuries of each byproduct material authorized in Subitem 6.F.
G. Americium-241	G. Sealed sources	G. 90 millicuries

ML40

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6. Byproduct, source, and/or special nuclear material	7. Chemical and/or physical form	8. Maximum amount that licensee may possess at any one time under this license
H. Cesium-137	H. Sealed sources (Amersham Model 77302)	H. 400 millicuries
I. Chromium-51	I. Any	I. 200 millicuries
J. Iodine-131	J. Any	J. 150 millicuries
K. Iodine-125	K. Any	K. 750 millicuries
L. Hydrogen-3	L. Any	L. 900 millicuries
M. Sulfur-35	M. Any	M. 50 millicuries
N. Calcium-45	N. Any	N. 10 millicuries
O. Phosphorus-32	O. Any	O. 50 millicuries
P. Phosphorus-33	P. Any	P. 50 millicuries
Q. Carbon-14	Q. Any	Q. 70 millicuries
R. Chlorine-36	R. Any	R. 100 millicuries
S. Iron-59	S. Any	S. 50 millicuries
T. Rubidium-86	T. Any	T. 50 millicuries
U. Selenium-75	U. Any	U. 50 millicuries
V. Yttrium-90	V. Any	V. 50 millicuries
W. Technetium-99m	W. Any	W. 100 millicuries
X. Iodine-125	X. Any	X. 30 millicuries
Y. Gadolinium-153	Y. Sealed sources(North American Scientific, Inc. Model 3601)	Y. 300 millicuries per housing, total possession 800 millicuries

9. Authorized Use:

A. Medical use described in 10 CFR 35.100.
B. Medical use described in 10 CFR 35.200.
C. Medical use described in 10 CFR 35.300.

D. Medical use described in 10 CFR 35.400 and, for Cesium-137, calibration of licensee's survey meters and personnel dosimeters.
E. Medical use described in 10 CFR 35.500.
F. In vitro studies.
G. For storage only.
H. For use in instrument calibration.
I. through W. For use in research and development as defined in §30.4 of 10 CFR Part 30 and animal research.
X. Tumor localization using radiolabeled somatostatin analogue in accordance with IND 40,477.
Y. For use in an ADAC Laboratories Models 2146-3436 and 2146-3440 transmission line source housing.

CONDITIONS

10. Location of use: 1601 Perdido Street, New Orleans, Louisiana.

11. Radiation Safety Officer: Carl L. Gaspard

12. A. The use of licensed material in or on humans shall be by a physician, dentist, or podiatrist as defined in 10 CFR 35.2.

B. Physicians, dentists, or podiatrists designated to use licensed material in or on humans shall meet the training criteria established in 10 CFR 35, Subpart J and shall be designated by the licensee's Radiation Safety Committee, Olga M. Garcia, M.D., Chairperson.

C. Licensed material for other than human use shall be used by or under the supervision of individuals designated by the Radiation Safety Committee, Olga M. Garcia, M.D., Chairperson.

13. A. Sealed sources and detector cells shall be tested for leakage and/or contamination at intervals not to exceed 6 months or at such other intervals as specified by the certificate of registration referred to in 10 CFR 32.210.

B. Notwithstanding Paragraph A of this Condition, sealed sources designed to 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 6 months prior to the transfer, a sealed source or detector cell received from another person shall not be put into use until tested.

D. Each sealed source fabricated by the licensee shall be inspected and tested for construction defects, leakage, and contamination prior to any use or transfer as a sealed source.

E. Sealed sources need not be leak tested if:

(i) they contain only hydrogen-3; or

(ii) they contain only a radioactive gas; or

(iii) the half-life of the isotope is 30 days or less; or

(iv) they contain not more than 100 microcuries of beta and/or gamma emitting material or not more than 10 microcuries of alpha emitting material; or

(v) they are not designed to emit alpha particles, 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 or detector cell 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 of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie or more of removable contamination, a report shall be filed with the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 30.50(b)(2), and the source shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. The report shall be filed within 5 days of the date the leak test result is known with the U.S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, ATTN: Director, Division of Radiation Safety and Safeguards. The report shall specify the source involved, the test results, and corrective action taken.

G. Tests for leakage and/or contamination shall be performed by the licensee or by other persons specifically licensed by the Commission or an Agreement State to Perform such services.

14. Maintenance, repair, cleaning, replacement, and disposal of foils contained in detector cells shall be performed only by the device manufacturer or other persons specifically authorized by the Commission or an Agreement State to perform such services.

15. A. Detector cells containing a titanium tritide foil or a scandium tritide foil shall only be used in conjunction with a properly operating temperature control mechanism which prevents the foil temperature from exceeding that specified by the manufacturer and approved by U.S. Nuclear Regulatory Commission.

    B. When in use, detector cells containing a titanium tritide foil or a scandium tritide foil shall be vented to the outside.

16. The licensee shall conduct a physical inventory every 3 months to account for all sources and/or devices received and possessed pursuant to 10 CFR 35.59, 10 CFR 35.400 and 10 CFR 35.500 and every 6 months for all other sources and/or devices.

17. The licensee is authorized to transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

18. Experimental animals, or the products from experimental animals, that have been administered licensed materials shall not be used for human consumption.

19. Notwithstanding 10 CFR 35.92, the licensee is authorized to hold radioactive material with a physical half-life of less than 120 days for decay-in-storage before disposal in ordinary trash provided:

    A. Radioactive 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, byproduct material shall be surveyed at the container surface with the appropriate meter 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.

    C. A record of each 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.

20. Notwithstanding the provisions of 10 CFR 35.49(a), "Suppliers for sealed sources or devices for medical use," the licensee is authorized to receive and use the Vantage device and sources distributed by ADAC Laboratories in accordance with your letters dated March 18, 1996, and May 7, 1996.

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21. 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, except for minor changes in the medical use radiation safety procedures as provided in 10 CFR 35.31. 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 April 7, 1992
B. Letter dated February 5, 1993
C. Letter dated July 9, 1993
D. Letter dated September 16, 1993
E. Letter dated September 29, 1993
F. Letter dated September 30, 1993
G. Letter dated October 8, 1993
H. Letter dated June 2, 1994
I. Letter dated December 2, 1994
J. Letter dated December 13, 1994
K. Letter dated March 17, 1995
L. Letter dated May 17, 1995
M. Letter dated October 4, 1995
N. Letter dated February 16, 1996
O. Letter dated March 18, 1996
P. Letter dated May 7, 1996
Q. Letter dated June 20, 1996

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Original Signed By
Jacqueline D. Burks

Date JUN 28 1996

By _____
Nuclear Materials Licensing Branch
Region IV
Arlington, Texas 76011

UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

June 28, 1996

Department of Veterans Affairs
ATTN: John D. Church, Jr.
Medical Center Director
V.A. Medical Center
1601 Perdido Street
New Orleans, LA 70146

SUBJECT: LICENSE AMENDMENT

Please find enclosed License No. 17-01322-07. You should review this license carefully and be sure that you understand all conditions. If you have any questions, you may contact the reviewer who signed your license at 817-860-8132.

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 which can result from failure to comply with NRC requirements, you must conduct your program involving radioactive materials in accordance with the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate in accordance with 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. Possess radioactive material only in the quantity and form indicated in your license.

3. Use radioactive material only for the purpose(s) indicated in your license.

4. Notify NRC in writing of any change in mailing address (no fee required if the location of radioactive material remains the same).

5. Request and obtain written NRC consent before transferring your license or any right thereunder, either voluntarily or involuntarily, directly or indirectly, through transfer of control of your license to any person or entity. A transfer of control of your license includes not only a total change of ownership, but also a change in the controlling interest in your company whether it is a corporation, partnership, or other entity. In addition, appropriate license amendments must be requested and obtained for any other planned changes in your facility or program that are contrary to your license or contrary to representations made in your license application, as well as supplemental correspondence thereto, which are incorporated into your license. A license fee may be charged for the amendments if you are not in a fee-exempt category.

6. Maintain in a single document decommissioning records that have been certified for completeness and accuracy listing all the following items applicable to the license:

   - Onsite areas designated or formerly designated as restricted areas as defined in 10 CFR 20.3(a)(14) or 20.1003.

   - Onsite areas, other than restricted areas, where radioactive materials in quantities greater than amounts listed in Appendix C to 10 CFR 20.1001-20.2401 have been used, possessed, or stored.

   - Onsite areas, other than restricted areas, where spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site have occurred that required reporting pursuant to 10 CFR 30.50(b)(1) or (b)(4), including areas where subsequent cleanup procedures have removed the contamination.

   - Specific locations and radionuclide contents of previous and current burial areas within the site, excluding radioactive material with half-lives of 10 days or less, depleted uranium used only for shielding or as penetrators in unused munitions, or sealed sources authorized for use at temporary job sites.

   - Location and description of all contaminated equipment involved in licensed operations that is to remain onsite after license termination.

7. Submit a complete renewal application with proper fee, 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.

8. Request termination of your license if you plan to permanently discontinue activities involving radioactive material.

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; imposition of a civil penalty; or an order suspending, modifying, or revoking your license as specified in the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), 60 FR 34381, June 30, 1995.

Thank you for your cooperation.

Sincerely,

Original Signed By
Jacqueline D. Burks
Jacqueline D. Burks
Health Physicist
Nuclear Materials Licensing Branch

Docket: 030-15040
License: 17-01322-07
Control: 466121

Enclosures: As stated

DOCUMENT NAME: P:\MLCOVER\LETTER\VANOLA.MLC

To receive a copy of this document, indicate in the box "C" - Copy without attachment/enclosure "E" - Copy with attachment/enclosure "N" - No Copy

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JDBurks JDBurks							
06/28/96							

OFFICIAL RECORD COPY

DEPARTMENT OF VETERANS AFFAIRS
Medical Center
St Louis MO 63125

In Reply Refer To:

June 20, 1996

U.S. Nuclear Regulatory Commission
Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-8604

SUBJECT: NRC License No. 17-01322-07

The enclosed correspondence from the New Orleans, Louisiana VA Medical Center has been received and is forwarded to your office for processing. If there are questions, please contact the facility.

Please provide a copy of any correspondence relative to licensing actions for this Medical Center to:

Department of Veterans Affairs
Health Physics Programs (115HP)
915 North Grand Blvd.
St. Louis, MO 63106

Sincerely,

Cindy Bukowsky

for Francis K. Herbig
Health Physics Programs

DEPARTMENT OF VETERANS AFFAIRS
Medical Center
1601 Perdido Street
New Orleans LA 70146

JUN 14 1996

In Reply Refer To: 629/EOC-SM

Jacqueline D. Burks
Health Physicist
U.S. Nuclear Regulatory Commission
Nuclear Material Licensing Section
Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011-8064

THRU: Francis Herbig
Deputy Director
for Health Physics Programs (115 HP)
915 North Grand Blvd.
Saint Louis, MO 63106

Dear Ms. Burks:

Request an amendment to NRC License #17-01322-07, Department of Veterans Affairs Medical Center, New Orleans, Louisiana, for the possession of P-33 for research animal use:

Byproduct, Source and/or Special Nuclear Material	Chemical and/or Physical Form	Maximum Possession
Phosphorus-33	Any	50 millicuries

If you should have any questions, please contact the Radiation Safety Officer, Mr. Carl L. Gaspard, at (504) 589-5910.

Sincerely yours,

FOR IN THE ABSENCE OF

John D. Church, Jr.
Medical Center Director

466121