

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.

<p>Licensee</p> <p>1. Deaconess Research Institute</p> <p>2. 1500 Poly Drive, Suite 103A Billings, Montana 59102</p>		<p>In accordance with letter dated November 26, 1996</p> <p>3. License number 25-26990-02 is amended in its entirety to read as follows:</p>	
		<p>4. Expiration date May 31, 2004</p>	
		<p>5. Docket or Reference No 030-33423</p>	
<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Carbon-14</p> <p>B. Hydrogen-3</p> <p>C. Iodine-125</p> <p>D. Phosphorus-32</p> <p>E. Phosphorus-33</p> <p>F. Sulfur-35</p> <p>G. Calcium-45</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. Any</p> <p>F. Any</p> <p>G. Any</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. 5 millicuries</p> <p>B. 25 millicuries</p> <p>C. 25 millicuries</p> <p>D. 10 millicuries</p> <p>E. 5 millicuries</p> <p>F. 15 millicuries</p> <p>G. 5 millicuries</p>	
<p>9. Authorized Use</p> <p>A. through G. Research and development as defined in Section 30.4 of 10 CFR Part 30.</p>			

CONDITIONS

10. Licensed material shall be used only at the licensee's facility located at 1500 Poly Drive, Suite 103A, Billings, Montana.

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PDR ADDCK 03033423
C PDR

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**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

25-26990-02

Docket or Reference Number

030-33423

Amendment No. 04

11. A. Licensed material shall be used by, or under the supervision of, Elizabeth V. Berkeley, Gina B. DiGregorio, Ph.D., Jay F. Kirkpatrick, Ph.D., S. Erick Lindstrom, Sylvia Loo, or Edwin V. Gaffney, Ph.D.
- B. The Radiation Safety Officer for this license is Edwin V. Gaffney, Ph.D.
12. A. Sealed sources 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. 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 received from another person shall not be put into use until tested.
- C. 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 shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.
- D. 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.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

25-26990-02

Docket or Reference Number

030-33423

Amendment No. 04

12. (Continued)

- E. 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.
13. The licensee is authorized to hold radioactive material with a physical half-life of less than 65 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 three 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.
14. Licensed material shall not be used in or on human beings.
15. Sealed sources containing licensed material shall not be opened or sources removed from source holders by the licensee.
16. The licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.
17. 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) for establishing decommissioning financial assurance.

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License Number

25-26990-02

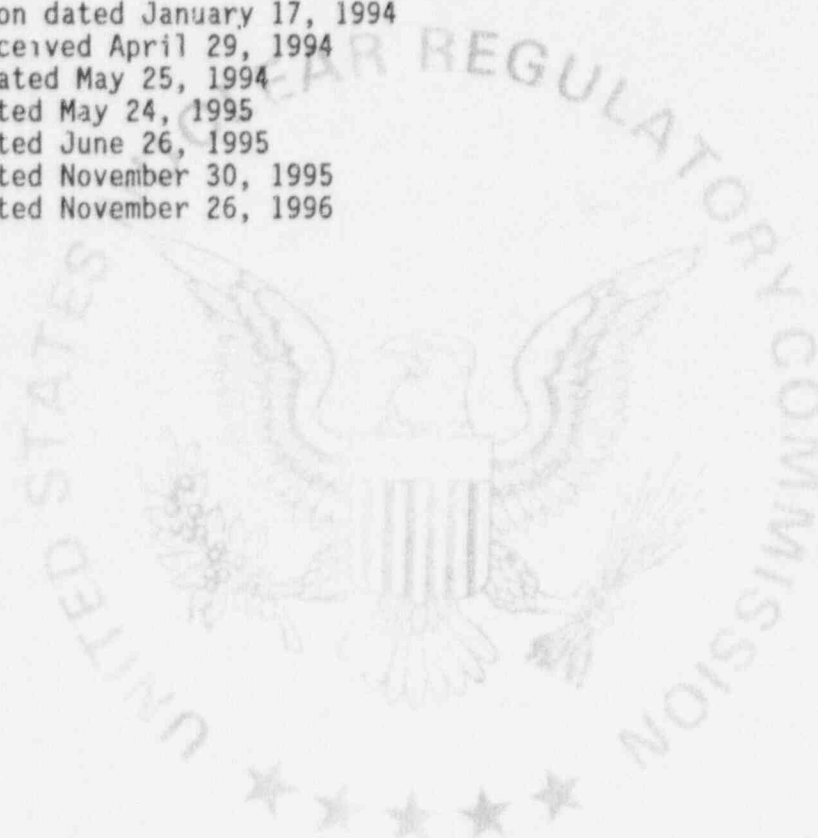
Docket or Reference Number

030-33423

Amendment No. 04

18. 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 dated January 17, 1994
- B. Letter received April 29, 1994
- C. Letters dated May 25, 1994
- D. Letter dated May 24, 1995
- E. Letter dated June 26, 1995
- F. Letter dated November 30, 1995
- G. Letter dated November 26, 1996



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date MAR 25 1997

By

Vivian H. Campbell

Vivian H. Campbell

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

March 25, 1997

Deaconess Research Institute
ATTN: Edwin V. Gaffney, Ph.D.
1500 Poly Drive, Suite 103A
Billings, Montana 59102

SUBJECT: LICENSE AMENDMENT

Please find enclosed License No. 25-26990-02. 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 817-860-8143.

We understand from your letter that your program became inactive as of October 10, 1996. You should carefully review the requirements of 10 CFR 30.36, "Timeliness in Decommissioning of Material Facilities," copy enclosed. The Timeliness Rule establishes requirements for notifying the NRC of pending decommissioning actions and cessations in licensee operations, establishes requirements for when decommissioning plans need to be submitted, and establishes requirements for completing decommissioning activities. The regulation also allow licensees to request relief from the timing requirements where justified. Note that if your program is inactive for a period of 24 months you must notify NRC in writing as specified in 30.36(d).

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
Vivian H. Campbell

Vivian H. Campbell
Senior Health Physicist
Nuclear Materials Licensing Branch

Docket: 030-33423
License: 25-26990-02
Control: 466276

Enclosures: As stated

MAR 25 1997

Deaconess Research Institute

-4-

DOCUMENT NAME: P:\Deaconess.mlc

To receive copy of document, indicate in box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

RIV:NMLB	N	RIV:					
VHCampbell	NR						
3/25/97							

OFFICIAL RECORD COPY

LICENSE FEE REQUIREMENTS

LICENSE FEE AND DEBT COLLECTION BRANCH
DIVISION OF ACCOUNTING AND FINANCE
OFFICE OF THE CONTROLLER
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001DEACONESS RESEARCH INSTITUTE
ATTN: DR. EDWIN V. GAFFNEY, PRESIDENT
AND CHIEF OPERATING OFFICER
1500 POLY DRIVE, SUITE 103
BILLINGS, MT 59102-1748

TYPE OF ACTION

- ☐
- NEW LICENSE
-
- ☐
- RENEWAL OF LICENSE
-
- ☒
- AMENDMENT TO LICENSE

REQUESTED DATE

11-26-96

LICENSE NUMBER

25-26990-02

CONTROL NUMBER

466276 ATTN: RITA MESSIER, LFARB, T9E10

I. APPLICATION FEE DUE

Your request for a licensing action is subject to the fee(s) in the category(ies) noted below in accordance with Section 170.31 of the enclosed Federal Register notice. Payment of the fee is required prior to the issuance of the license, renewal, or amendment.

FEE CATEGORY	APPLICATION	RENEWAL	AMENDMENT
3M	\$	\$	\$ 610.00
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

FEE(s) DUE	\$	610.00
PAYMENT RECEIVED	\$	590.00
AMOUNT DUE	\$	20.00

☐ Your request was received without the prescribed application fee☒ We received your Check No. 5370 in the amount of \$ 590.00. Payment of the additional fee noted above is required.☐ Your request will increase the scope of your license program. Therefore, your request is subject to the application fee(s) noted above. Refer to Section 170.31 and Footnote 1(d)(2).☐ Your license expired prior to the receipt of your application for renewal. Therefore, your request is subject to the application fee(s) noted above. Refer to Section 170.31 and Footnote 1(a).

MAKE PAYMENT OF THE FEE(S) TO THE U.S. NUCLEAR REGULATORY COMMISSION AND MAIL THE PAYMENT TO THE ADDRESS LISTED AT THE TOP OF THIS FORM. IF WE DO NOT RECEIVE A REPLY FROM YOU WITHIN 30 CALENDAR DAYS FROM THE DATE LISTED BELOW, WE SHALL ASSUME THAT YOU DO NOT WISH TO PURSUE YOUR APPLICATION AND WILL VOID THIS ACTION.

SIGNATURE - LICENSE FEE ANALYST

RITA MESSIER

LFDCB

REMessier

12/20/96

LFDCB

Rem

Distribution

Pending Fee File OC/DAF/SF(LF-3 2.7)

LFARB R/F (2)

Region IV

DATE

12-20-96



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

December 18, 1996

Deaconess Research Institute
ATTN: J. Maurice Browning
Administrator
1500 Poly Drive Suite 103A
Billings, Montana 59102

SUBJECT: ACKNOWLEDGMENT OF REQUEST FOR LICENSING ACTION

REFERENCE: LETTER DATED November 26, 1996

We have completed the administrative review and initial processing of your application.

During the initial processing no omissions were identified. Please note that the technical review may identify additional omissions in the submitted information or technical issues that require additional information.

Amendment actions are normally processed within 60 days, unless the technical review identifies:

- Major technical deficiencies
- Decommissioning/decontamination activities are required before an application can be completed
- Confirmatory closeout surveys after decontamination/decommissioning activities are required before a license can be terminated or a facility removed from the license
- Policy issues are identified that require input and coordination with other NRC Regional offices, Agreement State offices, or NRC's Office of Nuclear Materials and Safeguards

A copy of your correspondence has been forwarded to our License Fee and Accounts Receivable Branch, Office of the Controller, who will contact you separately if the appropriate license fee has not been submitted for your request, or for billing if your request is subject to full cost recovery.

Any correspondence about this application should reference the Control number listed below.

Sincerely,

Original Signed By
Billie Gruszynski

Billie Gruszynski (Ms.)
Nuclear Materials Licensing Branch

License: 25-26990-02
Docket: 030-33423
Control: 466276

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

OFFICE	RIV:NMLB	N						
NAME	BGruszynski	<i>Boj</i>						
DATE	12/8/96							

Acceptance Review Check List



Action Type:

- ☐ New
☒ Amendment
☐ Renewal

Initials of
Individual
Completing
Form

Date: 12/18/96

Mail Control

No. 466 276

Administrative Exclusion Items

Requiring Return to Applicant:

- ☐ Current Guidance Not Used
☐ References in Application Not to Current Regulations
☐ All Attachments Referenced Are Not Included
☐ Signature Not on Application

Technical Exclusion Items Requiring Technical Reviewer Time Estimates:

- ☐ Request for Expedited Handling for Radiation Safety/Business Concerns
☐ Request for Exemption to Specific Regulation(s)
☐ Change in Ownership Concerns
☐ Financial Assurance/DFP Required
☐ Decommissioning Plan Review
☐ Quality Management Plan
☐ Termination of License Requiring NRC Closeout Survey
☐ Bankruptcy Notification
☐ Approval of Long Term Storage/Alternative Form of Waste Disposal
☐ Facility Modifications Requiring Shielding Calculations
☐ Authorization to Possess and Use Large Quantities of Unsealed Materials
☐ HDR/Gamma Knife
☐ Major Increase In Authorized Users
☐ Approval Of Training Program
☐ Approval of Incineration of Radioactive Waste
☐ Authorization For Sealed Source or Device Requiring SSD Approval Review
☐ Environmental Assessment or Impact Statement Required
☐ Emergency Plan Contingency Plan Required
☐ Type A Broad Scope/Complex Research & Development Application

Reviewer: Bj

Estimate of Time Needed:

- ☐ 30 Days ☒ 60 Days ☐ 90 Days ☐ Other

Comments:

(FOR LEMS USE)
INFORMATION FROM LTS

BETWEEN:

License Fee Management Branch, ARM
and
Regional Licensing Sections

Program Code: 03620
Status Code: 0
Fee Category: 3M
Exp. Date: 20040531
Fee Comments:
Decom Fin Assur Req'd: N

LICENSE FEE TRANSMITTAL

A. REGION IV

1. APPLICATION ATTACHED

Applicant/Licensee: DEACONESS RESEARCH INSTITUTE
Received Date: 961217
Docket No.: 3033423
Control No.: 466276
License No.: 25-26990-02
Action Type: Amendment

2. FEE ATTACHED

Amount: \$590.10
Check No.: 05370

3. COMMENTS

Signed
Date

Billie Gruzynski
12/17/96

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered 1-1)

1. Fee Category and Amount: 3M \$610

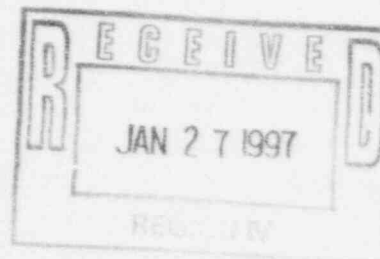
2. Correct Fee Paid: ☒ Application may be processed for:

Amendment
Renewal
License

3. OTHER

Signed
Date

Rita Messier
12/1/97



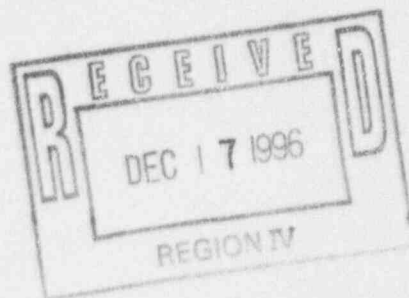
Log	<u>Dec 3 IV</u>
Remitter	
Check No.	<u>05370 / 05570</u>
Amount	<u>\$590 + \$2000</u>
Fee Category	<u>3M</u>
Type of Fee	<u>and</u>
Date Check Rec'd.	<u>1/21/97</u>
Date Completed	<u>1/21/97</u>
By	<u>RLM</u>



November 26, 1996

Ms. Jacqueline D. Burks
Health Physicist
Nuclear Materials Licensing Branch
U.S. Nuclear Regulatory Commission, Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, TX 76011

RE: Docket No.: **030-33423**
Control No.: **465091**
License No.: **25-26990-02**



Dear Ms. Burks:

Deaconess Research Institute hereby requests to amend its radioactive materials license (#25-26990-02) to indicate the following modifications:

- 1) The departure of Dr. Gina B. DiGregorio, Radiation Safety Officer and former Research Scientist for Deaconess Research Institute. Deaconess Research Institute hereby requests that Dr. DiGregorio be succeeded in the RSO position by Dr. Edwin V. Gaffney, President and Chief Operating Officer for Deaconess Research Institute. Dr. Gaffney's résumé and training and experience are currently on file with the Nuclear Regulatory Commission, Region IV.
- 2) Deaconess Research Institute wishes to inform the Nuclear Regulatory Commission that our facility is presently conducting no research involving radioactive materials. Our status regarding licensed activities should be considered in a "stand-down" mode as of October 10, 1996. We will not be utilizing radioactive materials in the foreseeable future. We do, however, wish to maintain our current licensed status so that we may eventually begin using radioactive materials again. We will immediately inform NRC prior to the resumption of performing research with radioactive materials.

Close-out surveys have been performed of all areas where radioactive materials have been used or stored. These surveys have confirmed that there exists no radiological contamination in those areas. All radioactive material remaining in our possession has been transferred to four fifty-five gallon drums and should be



considered as radioactive waste (with the exception of two sub-microcurie H-3 and C-14 calibration standards used with the Beckman liquid scintillation counter). These drums are currently being stored in our radioactive waste storage area, and will be contracted out for disposal prior to March 1, 1997. All records pertaining to past radiological activities (e.g., contamination surveys, waste disposal, have been consolidated into four tabbed binders for easy review.

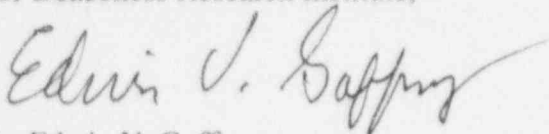
Enclosed is a check made out to the Nuclear Regulatory Commission for the sum of \$590.00. This represents payment for the amendment fee per 10 CFR 170.31(3)(M) as revised via Federal Register Notice 14670 Vol. 60, No. 53, March 20, 1995.

Should you have any questions or comments regarding these requests, please feel free to contact Mr. S. Erick Lindstrom, DRI's radiation protection consultant. Mr. Lindstrom can be reached at Montana State University - Bozeman. The address there is:

309 Montana Hall
Montana State University
Bozeman, MT 59717-0244
Tel. (406) 994-2108
Fax. (406) 994-4792
E-mail: avrel@gemini.oscs.montana.edu

Your attention to this matter is greatly appreciated.

For Deaconess Research Institute,



Dr. Edwin V. Gaffney
President and Chief Operating Officer

