

MATERIALS LICENSE

*ORC*

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. Department of the Interior National Fish and Wildlife Forensics Laboratory</p> <p>2. 1490 East Main Street Ashland, Oregon 97520</p>	<p>In accordance with letter dated April 17, 1997</p> <p>3. License Number 36-29013-02 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration Date April 30, 2001</p> <hr/> <p>5. Docket or Reference No. 030-33915</p>	
<p>6. Byproduct, Source, and/or Special Nuclear Material</p> <p>A. Nickel-63</p>	<p>7. Chemical and/or Physical Form</p> <p>A. Foil in a Hewlett- Packard Model 19235 detector cell</p>	<p>8. Maximum Amount that Licensee May Possess at Any One Time Under This License</p> <p>A. 15 millicuries</p>

9. Authorized use
- A. For storage only.

CONDITIONS

10. Licensed material shall be stored only at the licensee's facilities located at 1490 East Main Street, Ashland, Oregon.
11. A. Licensed material shall be stored by, or under the supervision of, Mark Kirms, Ph.D.
- B. The Radiation Safety Officer for this license is Mark Kirms, Ph.D.
12. Detector cells containing licensed material shall not be opened or the foil sources removed from the detector cell by the licensee.
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.



*2/11 ML40*

MATERIALS LICENSE  
SUPPLEMENTARY SHEET

License Number

36-29013-02

Docket or Reference Number

030-33915

Amendment No 1

- 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 or detector cell 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 or detector cell 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 Nuclear Materials Safety. The report shall specify the source involved, the test results, and corrective action taken.
- E. The licensee is authorized to collect leak test samples for analysis by the Hewlett Packard Company. Alternatively, tests for leakage and/or contamination may be performed by 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.

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Amendment No. 1

15. The licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.
16. 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 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 with letter dated April 19, 1990
  - B. Letter dated August 5, 1994
  - C. Correspondence dated July 21, 1995
  - D. Letter dated April 17, 1997

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date MAY - 9 1997

By *Beth A. Prange*

Materials Branch  
Region IV, WCFO  
Walnut Creek, California 94596

(FOR LFMS USE)  
INFORMATION FROM LTS

BETWEEN:

License Fee Management Branch, ARM  
and  
Regional Licensing Sections

Program Code: 03124  
Status Code: 0  
Fee Category: EX 3P  
Exp. Date: 20010430  
Fee Comments: STORAGE EFF 4/23/96  
Decom Fin Assur Req: N

LICENSE FEE TRANSMITTAL

A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: INTERIOR, DEPARTMENT OF THE  
Received Date: 970421  
Docket No.: 3033915  
Control No.: 572489  
License No.: 36-29013-02  
Action Type: Amendment

2. FEE ATTACHED

Amount: \_\_\_\_\_  
Check No.: \_\_\_\_\_

3. COMMENTS

Signed \_\_\_\_\_  
Date \_\_\_\_\_

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered / \_\_/)

1. Fee Category and Amount: \_\_\_\_\_

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

Amendment \_\_\_\_\_  
Renewal \_\_\_\_\_  
License \_\_\_\_\_

3. OTHER

\_\_\_\_\_

Signed \_\_\_\_\_  
Date \_\_\_\_\_





UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV

Walnut Creek Field Office  
1450 Maria Lane  
Walnut Creek, California 94596-5368

**MAY - 9 1997**

Department of the Interior  
National Fish and Wildlife  
Forensics Laboratory  
ATTN: Mark Kirms, Ph.D.  
Radiation Safety Officer  
1490 East Main Street  
Ashland, Oregon 97520

SUBJECT: LICENSE AMENDMENT

Please find enclosed License No. 36-29013-02. 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 (510) 975-0250.

Based on a telephone conversation on May 8, 1997, it is our understanding that you plan to return the gas chromatograph cell to the manufacturer for conversion to a Model 19233 cell, which is generally licensed. Once the unit has gone through the conversion process and has been returned to you from the manufacturer, you should submit an amendment request to terminate this license. With the amendment request, please include a completed NRC Form 314, copies enclosed.

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.

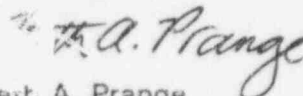
Department of the Interior  
Ashland, Oregon

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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,

A handwritten signature in cursive script that reads "Beth A. Prange".

Beth A. Prange  
Sr. Health Physicist (Licensing)  
Materials Branch

Docket: 030-33915  
License: 36-29013-02  
Control: 572489

Enclosures: As stated

Department of the Interior  
Ashland, Oregon

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bcc:

Docket File  
WCFO Inspection File  
LFARB, T-9 E10  
State of OR (License Only)

DOCUMENT NAME: G:\BETH\572489

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

RIV:MB		RIV:MB	N	RIV:MB					
K Prendergast		BPrange	DAP	JMontgomery					
/	/97	5	9/97	/	/97				

OFFICIAL RECORD COPY



00/00/00 4/22/97

TELEPHONE OR VERBAL CONVERSATION  
RECORD

TIME

00:00 am/pm

☐ INCOMING CALL☒ OUTGOING CALL☐ VISIT

PERSON CALLING:

OFFICE/ADDRESS:

PHONE NUMBER:

PERSON CALLED:

OFFICE/ADDRESS:

PHONE NUMBER:

Dr. Kirms

(541) 482-4191

CONVERSATION

Fax: (541) 482-4989

SUBJECT -

SUMMARY -

- 1) The gas chromatograph is still located in Room 56, as was discussed during the processing of the original license application.
  - 2) Security in their building is tight. Plastic encoded keys are used.
  - 3) Department of the Interior  
National Fish + Wildlife Forensics Laboratory is an adequate name.
  - 4) He may return the cell to the manufacturer for re-labeling. They will return it to Dr. Kirms as a generally-licensed cell, ~~the~~ Model 19233. He will review Part 31 (31.5) and information from the manufacturer + let us know.
- B. Prange

REFERRED TO:

☐ ADVISE ME ON ACTION  
TAKEN

ACTION REQUESTED:

INITIALS:

DATE:

ACTION TAKEN: 1) Mailed 10 CFR 31, 32, and 314 forms

INITIALS:

BAP

2) Faxed a 314 form and 31.5

DATE:

4/22/97



IN REPLY REFER TO:

030-33915  
36-29013-02

Amendment

RECEIVED  
NRC  
RIV WCFO  
97 APR 21 AM 12:48

United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Division of Law Enforcement  
National Fish and Wildlife Forensics Laboratory  
1490 East Main Street  
Ashland, Oregon 97520

Beth A. Prange  
NRC  
Sr. Health Physicist (Licensing)  
Materials Branch  
1450 Maria Lane  
Walnut Creek, California 94596-5368

April 17, 1997

Dear Ms. Prange:

I have just finished talking with your colleague Emilo Garcia, and he asked that I contact you with regards to some minor details which need to be clarified. The first is to simply assure you that I am our facilities Safety Radiation Officer and that all NRC related material should be sent to me at the address given below.

The second item that Mr. Garcia asked that I address regards the location of the Ni63 detector covered by our licensing agreement with the NRC. The detector itself is housed in the gas chromatograph just as it was originally received with the instrument. We have never used the detector since it was purchased. There was some misunderstanding between myself and Dr. Ed Espinoza promoting his statement in an email message to you regarding the location of the Ni63 detector. I simply want to state that the detector currently resides in, has never moved from, and will undoubtedly remaining in, the 5890 Hewlett Packard gas chromatograph. If there happens to be a change in the detector's location or usage, the NRC will be notified.

Lastly, I just wanted to tell you how much I appreciated Emilo Garcia's visit and professional/personal manner, and I thank you for all your help in dealing with us and our licensing.

Sincerely,

Mark A. Kirms  
National Fish & Wildlife Forensics Laboratory  
1490 E. Main St.  
Ashland, Oregon 97520

572489