

OFFICIAL RECORD COPY

MATERIALS LICENSE

Amendment No. 02

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

DL-021397-08

Licensee

1. **EARTH TECH, Inc.**

2. **1115 5th Street, S.W.
Charlottesville, VA 22902-6465**

In accordance with letter dated January 31, 1997

3. License Number **45-25228-01**

is amended in its entirety to read as follows:

4. Expiration Date **January 31, 2003 (Extended)**

5. Docket or Reference No. **030-33014**

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. **Cesium 137**

A. **Sealed source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation**

A. **No single source to exceed 10 millicuries**

B. **Americium 241**

B. **Sealed neutron source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation**

B. **No single source to exceed 50 millicuries**

C. **Californium 252**

C. **Sealed source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation**

C. **No single source to exceed 66 microcuries**

9. **Authorized Use:**

A., B., and C. Sealed source(s) contained in compatible portable gauging devices (registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation) for measuring properties of materials.

CONDITIONS

10. **Licensed material may be used at the licensee's facilities located at 1115 5th Street, Charlottesville, Virginia, and at 53 Haddonfield Road, Cherry Hill, New Jersey, and at temporary job sites of the licensee anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material.**

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PDR ADOCK 03033014
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11/4/00

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License Number 45-25228-01

Docket or Reference Number 050-33014

Amendment No. 02

(continued)

CONDITIONS

11. The Radiation Safety Officer for the Charlottesville, Virginia facility is John Y. Gooch. The Radiation Safety Officer for the Cherry Hill, New Jersey facility is Dennis Libenson.
12. Licensed material shall only be used by, or under the supervision and in the physical presence of, John Y. Gooch, Dennis Libenson, or individuals who have successfully completed the manufacturer's training program for gauge users, have been instructed in the licensee's routine and emergency operating procedures and who have been designated by the Radiation Safety Officer.
13. Sealed sources containing licensed material shall not be opened or removed from the gauging device by the licensee.
14. A.(1) Sealed sources specified in Item 7, 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. 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.
 - (2) Notwithstanding the periodic leak test required by this condition, any licensed sealed source is exempt from such leak tests when the source contains 100 microcuries or less of beta and/or gamma emitting material or 10 microcuries or less of alpha emitting material.
- 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.
- C. The 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, the source shall be removed from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. A report shall be filed within 5 days of the date the leak test result is known with the U. S. Nuclear Regulatory Commission, Region II, Division of Radiation Safety and Safeguards, Nuclear Material Inspection Section, 101 Marietta Street, Suite 2900, Atlanta, Georgia 30323. The report shall specify the source involved, the test results, and corrective action taken. Records of leak test results shall be kept in units of microcuries and shall be maintained for inspection by the Commission. Records may be disposed of following Commission inspection.
- D. The licensee is authorized to collect leak test samples for analysis by Troxler Electronics Laboratories or tests for leakage and/or contamination shall be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.
15. 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."
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.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number
45-25228-01

Docket or Reference Number
030-33014

Amendment No. 02

(continued)

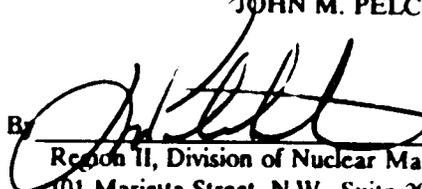
CONDITIONS

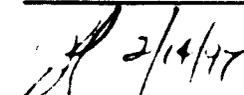
- 17. The licensee shall maintain records of information important to safe and effective decommissioning at location specified in Condition 10. pursuant to the provisions of 10 CFR 30.35(g) until this license is terminated by the Commission.
- 18. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum specified 10 CFR 30.35(d) for establishing decommissioning financial assurance.
- 19. Each portable nuclear gauge shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport, storage or when not under the direct surveillance of an authorized user.
- 20. Any cleaning, maintenance, or repair of the gauge(s) that requires removal of the source rod shall be performed only by the manufacturer or by other persons specifically licensed by the Commission or an Agreement State to perform such services.
- 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. 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 dated November 9, 1992
 - B. Letter dated January 19, 1996 [Licensee name change and change of ownership]
 - C. NRC letter dated March 1, 1996 [Extends license expiration date pursuant to 10 CFR 30.36]
 - D. Facsimile transmission dated July 19, 1996 [Licensee's response to change of ownership questionnaire]
 - E. Letter dated January 31, 1997 [Generic device authorization, new storage location and additional radiation safety officer for new storage location]
 - F. Facsimile transmission dated February 13, 1997 [Supplemental information]

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

JOHN M. PELCHAT

Date FEB 13 1997

By 
 Region II, Division of Nuclear Materials Safety
 101 Marietta Street, N.W., Suite 2900
 Atlanta, Georgia 30323


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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2900
ATLANTA, GEORGIA 30323-0199

FEB 13 1997

INFORMATION FOR NRC MATERIAL LICENSEES

Please find enclosed

- Your NRC material license
- Amendment to your NRC material license
- Amendment renewing your NRC material license
- Amendment terminating your NRC material license
- Notice for Radiographer Quality Assurance Approval Program

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify this office (ATTN: Ms. Diane Heim at (404) 331-4673) so that we can provide appropriate corrections and answers.

Please be advised that your license expires at the end of the day in the month and year stated in the license. Unless your license has been terminated, you must conduct your program involving byproduct 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 19, "Notice, Instructions and Reports to Workers; Inspections," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Not possess and use materials authorized in Items 6, 7, and 8, on the license until:
 - a. you have constructed the facilities and obtained the equipment described in the license application and supporting documentation; and
 - b. you have notified the U. S. Nuclear Regulatory Commission, Region II, ATTN: Materials Licensing/Inspection Branch, in writing, that activities authorized by the license will be initiated.
 - c. you have submitted & certified implementation of a Quality Management Program (10 CFR 35.32) for radiotherapy, or for administering > 30 uCi of I-125 or I-131.
3. Notify NRC, in writing, within 30 days:
 - a. when an authorized user, Radiation Safety Officer, or Teletherapy Physicist permanently discontinues performance of duties under the license or has a name change; or
 - b. when the licensee's mailing address changes (no fee is required if the location of byproduct material remains the same).
4. In accordance with 10 CFR 30.36(b) 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; or
 - b. if you decide not to complete the facility, acquire equipment, or possess and use authorized material.

5. Request and obtain a license amendment before you:
 - a. receive or use byproduct material for a clinical procedure permitted under Part 35 but not permitted by your license issued pursuant to this part
 - b. permit anyone, not authorized under 10 CFR 35, Subpart J, to work as an authorized user under a license for medical use of byproduct material.
 - c. permit anyone, not authorized under 10 CFR 35, Subpart J, to work as a Radiation Safety Officer, Teletherapy Physicist, or Nuclear Pharmacist, under a license for medical use of byproduct material.
 - d. order byproduct material in excess of the amount, or a different radionuclide or form, other than authorized on the license;
 - e. add or change the areas of use or address (or addresses) of use identified in the license application or on the license; or
 - f. change ownership of your organization.
6. Submit a complete renewal application with proper fee or termination request at least 30 days before the expiration date of your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of byproduct material after your license expires is a violation of NRC regulations. Transfer of licensed materials must be consistent with 10 CFR 30.41, 40.51 or 70.42, as applicable. A license will not normally be renewed, except on a case-by-case basis, in instances where licensed material has never been possessed or used.

In addition, please note that NRC Form 313 requires the applicant, by his/her 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.

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, or imposition of a Civil Penalty, or an order suspending, modifying or revoking your license as specified in the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600, (7/95). Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken against those who do not achieve the necessary attention to detail and standard of compliance expected of licensees.

Thank you for your cooperation.

Enclosures:

1. NRC License
2. Category Marked Below for:
 - New licenses: NUREG-1600 (7/95); 19; 20; 30; 40 or 70, as appropriate; 71; 170; NRC Form 3; Agreement State list; and NRC Form 313
 - New radiography licenses: Parts 34; 150.
 - New medical and teletherapy licenses: Part 35.
 - Amendments and renewals: NRC Form 313.

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To: John Pelchat
Company: US NRC

Date: 13 February 1997
Fax #: (404) 331-7437

From: Neil A. Feldscher, OHST, ASP
Location: _____

Ext #: 119
Sending From Fax #: (609) 482-6514

Project #: _____

Subject: _____

Comments: Attached is drawing & statement of
storage facilities as per your request. If
you need any additional information, please let
me know. Thanks

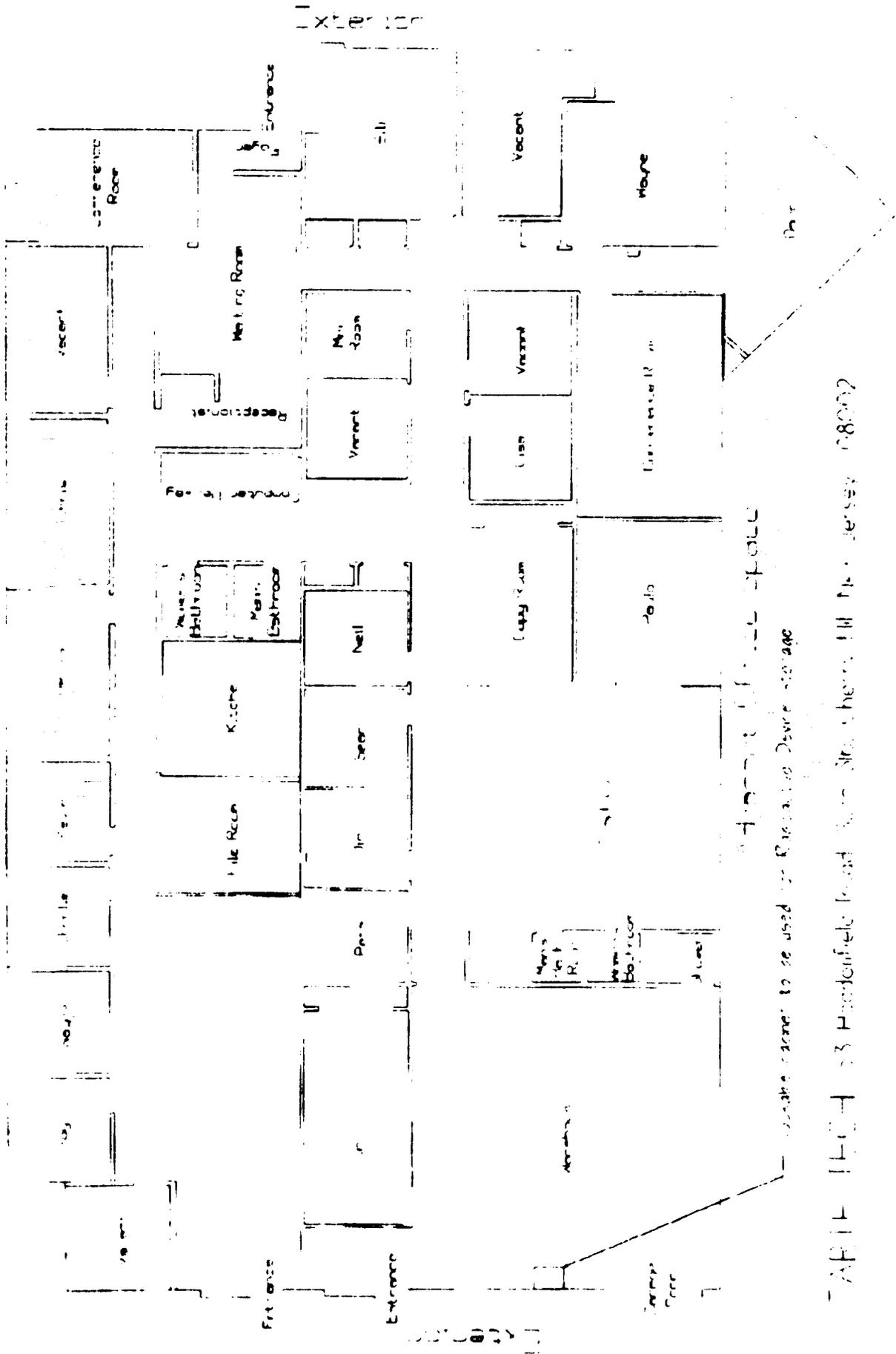
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A
X

If you do not receive 3 pages (including cover page),
please call us as soon as possible vs (609) 482-5555



TABLE F004 33 Haddonfield Road, New Jersey 08002

Adjunct Office Space



Adjunct Office Space

Available space to be used for Executive Device storage

STORAGE OF RADIOACTIVE MATERIALS
AT EARTH TECH, INC.
CHERRY HILL, NEW JERSEY

All devices to be stored shall have the device lock (trigger lock or handle lock) locked. The secured device shall be within a locked Type A package. The secured Type A transportation package shall be stored within the locked radioactive materials cabinet within the warehouse area of the EARTH TECH facility.

Keys to the locked radioactive materials cabinet are located with the office radioactive safety officer and with the sign out log. The sign out log is maintained within a fire cabinet located in the radioactive safety officer's office.

Keys to the Type A transportation package are located with the radioactive safety officer and with each authorized user of the device.

Keys to the device handle lock are stored with the sign out log.

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(FOR LPM USE)
INFORMATION FROM LTS

Program Code: 05121
Status Code: 0
Fee Category: 3P
Exp. Date: 20030131
Fee Comments:
Decom Fin Assur Recd: N

BETWEEN:
License Fee Management Branch, AMN
and
Regional Licensing Sections

PRIORITY

LICENSE FEE TRANSMITTAL

A. REGION II

1. APPLICATION ATTACHED
Applicant/Licensee: EARTH TECH, INC.
Received Date: 970203
Docket No: 3033014
Control No.: 257366
License No.: 45-25228-01
Action Type: Amendment

PRIORITY

2. FEE ATTACHED

Amount: 8300
Check No.: 3037 (fax)

3. COMMENTS

Signed: M Witt
Date: 2/3/97

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

- 1. Fee Category and Amount: 3P \$300
- 2. Correct Fee Paid. Application may be processed for:
Amendment
Renewal
License

3. OTHER

Signed: Anton Messian
Date: 2/1/97

Log	Feb 2 II
Remitter	
Check No.	3037
Amount	\$300
Fee Category	3P
Type of Fee	Amend
Date Check Rec'd.	2/1/97
Date Cleared	2/1/97
By	Leon