UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD STE 210
LISLE, ILLINOIS 60532-4352

AUG 0 1 2005

Robert H. Jacobs, Jr
Radiation Safety Officer
University of St. Thomas
2115 Summit Avenue, Mail #PHP
St. Paul, MN 55105-1096

Dear Mr. Jacobs:

Enclosed is Amendment No. 18 renewing your NRC Material License No. 22-08550-01 in accordance with your request. Please note that some of the changes made to your license are printed in **bold** font. Your license has been issued for a ten year term and will not expire until August 31, 2015.

Please be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate corrections and answers.

Please note that I could not delete authorization for the materials listed in Subitem Nos. 6., 7., 8., and 9. I. and J. of the license because the information in your application dated January 27, 2005, was insufficient to complete my review. If you wish to pursue this matter, please submit the following information, addressed to my attention, and reference control number 314141. We will continue our review at that time.

Please submit copies of the acknowledgment of receipt from each party who took possession of these radioactive materials under its respective license(s), i.e., licensed waste brokers, licensed vendors, etc. Please also submit appropriate "close-out" survey information and/or leak tests (if these materials were in sealed source form) to demonstrate that all residual licensed material has been removed from your facilities.

The survey should consist of exposure rate measurements to show that all sources of radioactive material have been removed, and contamination checks of areas where radioactive materials were used or stored. Average radiation levels associated with surface contamination and removable contamination should not exceed those specified in the enclosed decontamination guide.

Please submit the following information with your close-out survey:

1. A diagram of the facility with survey and wipe test results keyed to specific locations.

2. The name of the person performing the survey.

3. The date the survey was performed.

4. The instrument(s) used for exposure rate measurements and for analysis of the wipes.

5. Background readings and each instruments' efficiency or correction factor.

6. The date(s) that the survey instruments were last calibrated.

A. **During my review of your renewal application and letter dated January 27, 2005, I noted that the renewal request had not been prepared in accordance with NUREG 1556, Vol. 7. Full use of this document would have greatly reduced your regulatory burden and enhanced safety by providing for more comprehensive, updated safety procedures and a complete renewal application.**

**As your application and letter dated January 27, 2005, were incomplete in several key respects, I renewed your license by continuing your currently licensed documents in Condition No. 19. If you wish to do so, you may effect the deletion of the documents in Condition No. 19, that were incorporated prior to January 27, 2005, by submitting an amendment request based upon NUREG 1556, Vol. 7. Your amendment application should contain commitments for radiation safety program elements, particularly those missing from the January 27, 2005, application, and it should be complete in all material respects in order for the deletion of old documents to be accomplished.**

Using the NUREG 1556 series documents will help ensure that your licensing correspondence is prepared more completely and in a less burdensome manner.

In preparing your future licensing correspondence please focus on providing the information requested in Appendix C to NUREG 1556, Volumes 7. Follow the "Suggested Format.." provided in Appendix C and use the suggested responses and model procedure/appendix references whenever possible, appending descriptive *information as appropriate. It is advisable to read the corresponding text in the front of* each NUREG to ensure a complete understanding of the commitments that you make.

Please do not submit resumes, curricula vitae, college transcripts, any personal, proprietary information, blueprint diagrams, and any extraneous, detailed information, procedures and retyped sections from advisory text in the NUREG-series documents.

It is also not necessary to resubmit training and experience information for incumbent staff and users named on the license, whose licensed functions are not changing. You may simply reference each appropriate person's position and name and state that his/her training and experience documents are already on file in the license.
If you must deviate from a model procedure or suggested response, it may be possible to simply indicate what the deviation is and still use the model procedure/ suggested response as a "basic" commitment. Descriptive information may be "recycled" directly from previous documents only to the extent that it is current, complete information, equivalent to the model procedure (as appropriate) and does not contain extraneous material.

It is in your best interests to only provide those commitments, statements, representations and procedures, in a clear and explicit manner, that we require to issue

your license. These documents will form the basis for the license in the last condition of the license, called the "tie-down" condition.

You will realize the benefit of a reduced regulatory burden while enhancing safety and maintaining compliance and efficiency if you establish your license in this manner.

In fact, the easiest way to prepare your licensing correspondence is to take a copy of NUREG 1556, Vol. 7 to your copy machine and copy the Appendix C section directly.

Read the text in the front of the NUREG that corresponds to each item in the Appendix C sections and simply fill in the checkmarks and blanks on the copied checklists, thereby making your license commitments. Append additional information, if necessary, as described above.

Please do not re-type the NUREG checklists as errors and omissions may be introduced. If you need to append certain information or provide an alternative procedure, please be sure to incorporate the information in the NUREG, at a minimum, to ensure completeness.

Also, please check your current license to ensure that you have not omitted anything that you wish to continue authorization for, such as locations of use, line items, etc.

On the other hand, if you wish to delete an authorization that you currently have, be sure to specifically request the deletion, state why, and support each request with appropriate information that justifies granting the request (such as leak tests, final surveys, acknowledgments of receipt from vendors, etc.)

If you have further questions concerning these matters please contact me at (630) 829-9841 or (800) 522-3025.

B. Specific information concerning the application and letter dated January 27, 2005, modifications made and deficiencies identified include the following:

1. Your application was silent with respect to several specific radiation safety program elements required for research and development (NUREG 1556, Vol. 7). Elements missing included physical inventories, leak tests, occupational dose, safe use of radionuclides and emergency procedures and surveys. If you elect to amend your license to incorporate NUREG 1556, Vol. 7 program elements into your license, please ensure that each of these elements are addressed and supported completely in your resubmittal.

3. I modified Condition No. 16 to include radioactive materials with a half-life of up to 120 days, as per Regulatory Issue Summary RIS 2004-017.

4. I updated Condition No. 13.D, Subitem No. 9.B through H, Condition Nos. 14 and 17, and I added Condition No. 18 to reflect current NRC licensing policy.

5. The description and diagrams of your facilities and equipment in your application were incomplete. In fact, no diagrams of your facilities were submitted at all in the application for renewal. Please address all appropriate information in NUREG 1556, Vol. 7, Item 8.9.9 and Appendix K.

6. Please address all appropriate information in NUREG 1556, Vol. 7, Item 8.10.2 and Appendix M, "Radiation Monitoring Instruments" as this section was partially complete.

7. Please describe your administrative procedures to assure control of procurement and use of byproduct material and specify whether the RSO approves of each order of licensed material prior to the order being placed to ensure that possession limits are not exceeded and that decommissioning financial assurance is not required to be executed first.

   Please note that it is expected that your inventory control should be an ongoing system, updated essentially on a daily basis. Please explain and justify if your inventory system will be updated less frequently than daily.

   Please address all appropriate information in NUREG 1556, Vol. 7, Item 8.10.3 and Appendix N.

C. 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 Part 19, "Notices, Instructions and Reports to Workers; Inspections," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.

2. Notify NRC, in writing, within 30 days:

   a. When the Radiation Safety Officer permanently discontinues performance of duties under the license or has a name change; or

   b. When the mailing address listed on the license changes.

3. In accordance with 10 CFR 30.36(b) and/or license condition, notify NRC, promptly, in writing, and request termination of the license when a decision is made to terminate all activities involving materials authorized under the license.

4. Request and obtain a license amendment before you:

   a. Change Radiation Safety Officers;

   b. Order byproduct material in excess of the amount, or radionuclide, or form

different than authorized on the license;

c. Add or change the address or addresses of use identified in the license application or on the license; or

d. Change ownership of your organization.

5. Submit a complete renewal application 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. 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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). The NRC's document system is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html. The enclosed license document is exempt from public disclosure in accordance with 10 CFR 2.390, because its disclosure to unauthorized individuals could present a security vulnerability.

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 Procedure for NRC Enforcement Actions.

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 when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

Sincerely,

Colleen Carol Casey
Materials Licensing Branch

License No. 22-08550-01
Docket No. 030-00850

Enclosure:

Amendment No. 18