



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

August 30, 2006

Docket No. 03000963
Control No. 138967

License No. 37-02451-04

Paul Kiing
Director, Environmental Health and Safety
Duquesne University
Office of Environmental Health and Safety
202B Fisher Hall
Pittsburgh, PA 15282-0202

SUBJECT: DUQUESNE UNIVERSITY, LICENSE AMENDMENT, CONTROL NO. 138967

Dear Mr. Kiing:

This refers to your license amendment request. Enclosed with this letter is the amended license. It is our understanding that you will resubmit your request for the additional authorization for Vicky Davis, Ph.D. when you have gathered all of the information requested by our letter of August 8, 2006.

Please review the enclosed document carefully and be sure that you understand and fully implement all the conditions incorporated into the amended license. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region I Office, Licensing Assistance Team, (610) 337-5239, so that we can provide appropriate corrections and answers.

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22©)(14).

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Toolkit Index Page**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

P. Kiing
Duquesne University

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Thank you for your cooperation.

Sincerely,

Original signed by Steven Courtemanche

Steven Courtemanche
Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

Enclosure:
Amendment No. 16

cc:
John J. Volpe, Radiation Safety Officer

DOCUMENT NAME: E:\Filenet\ML062480441.wpd

SUNSI Review Complete: SCourtemanche

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NAME	SCourtemanche / SRC /							
DATE	08/30/2006							

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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, 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 style="text-align: center;">Licensee</p> <p>1. Duquesne University Office of Environmental Health & Safety</p> <p>2. 202B Fisher Hall Pittsburgh, Pennsylvania 15282</p>	<p>In accordance with the letter dated June 1, 2006,</p> <p>3. License number 37-02451-04 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date August 31, 2013</p> <hr/> <p>5. Docket No. 030-00963 Reference No.</p>
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| <p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Hydrogen 3</p> <p>B. Carbon 14</p> <p>C. Phosphorus 32</p> <p>D. Sulfur 35</p> <p>E. Iodine 125</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. Non-volatile compounds</p> | <p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. 50 millicuries</p> <p>B. 25 millicuries</p> <p>C. 25 millicuries</p> <p>D. 10 millicuries</p> <p>E. 10 millicuries</p> |
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9. Authorized use:
- A. through E. Research and development as defined in 10 CFR 30.4.

CONDITIONS

10. Licensed material may be used or stored only at the licensee's facilities located at Mellon Hall, 1001 Bluff Street, Pittsburgh, Pennsylvania.
11. Licensed material shall be used by, or under the supervision of, Kyle Selcer, Christopher K. Surratt, Paula Witt-Enderby, or John S. Doctor. Licensed material in items 6.A through 6.C. may also be used by, or under the supervision of, Patrick Flaherty, Ph.D. Licensed material in items 6.A. through 6.D. may also be used by, or under the supervision of, Mary Alleman, Charles T. Dameron, Vicky L. Davis, Richard P. Elinson, David A. Johnson, David Lampe, Joseph R. McCormick, Jana Patton-Vogt, David Seybert, or Nancy J. Trun. Licensed material in items 6.C. and 6.D., may also be used by, or under the supervision of John Stolz. Licensed material in item 6.C. may also be used by, or under the supervision of Michael Jensen-Seaman.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
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Amendment No. 16

12. The Radiation Safety Officer for this license is John J. Volpe.
13. The licensee shall not use licensed material in or on human beings.
14. The licensee shall not use licensed material in field applications where it is released except as provided otherwise by specific condition of this license.
15. The licensee is authorized to hold byproduct material with a physical half-life of less than 120 days for decay-in-storage before disposal without regard to its radioactivity if it:
 - A. Monitors byproduct material at the surface before disposal and determines that its radioactivity cannot be distinguished from the background radiation level with an appropriate radiation detection survey meter set on its most sensitive scale and with no interposed shielding; and
 - B. Removes or obliterates all radiation labels, except for radiation labels on materials that are within containers and that will be managed as biomedical waste after they have been released from the licensee; and
 - C. Maintains records of the disposal of licensed materials for 3 years. The record must include the date of disposal, the survey instrument used, the background radiation level, the radiation level measured at the surface of each waste container, and the name of the individual who performed the disposal.
16. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

**MATERIALS LICENSE
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17. 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 August 7, 2003 (ML032260185)
- B. Letter dated August 21, 2003 (ML032340189)



For the U.S. Nuclear Regulatory Commission

Date August 30, 2006
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By ***Original signed by Steven Courtemanche***

Steven Courtemanche
 Commercial and R&D Branch
 Division of Nuclear Materials Safety
 Region I
 King of Prussia, Pennsylvania 19406