

**Michael G. Herr, CHP
MATERIALS LICENSING BRANCH
UNITED STATES NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE ROAD SUITE 210
LISLE, ILLINOIS 60532-4352
OFFICE: (630)-829-9752 FAX: (630) 515-1078

CONVERSATION RECORD

|TIME

|DATE

Actually Faxed: YES, on 8/26/10

8/26/10

NAME OF PERSON(S) CONTACTED

Maa'ij Syed Ph.D
Radiation Safety Officer

ORGANIZATION

Rose-Hulman
Department of Public Works

TELEPHONE NO.

O: (812)-877-8957
F: (812) 877-8023

SUBJECT

License No.: 13-17582-02

Control No.: **572910**

SUMMARY

This refers to your letter dated May 22, 2010, and also the telephone conversation between Colleen Carol Casey and Debra Purdy in Student Services on August 13, 2010 and the voicemail message Ms. Casey left for you on August 13, 2010 at 1:15pm. central time, concerning Your request to amend your NRC Byproduct Materials License No. 13-17582-02.

We will need additional information to continue our review of your amendment request.

Of significance is the change in your fees status. Since you are requesting the use of an unsealed material for research purposes, you are adding a new modality of use to your license and therefore, you are adding a new fee category. We will be unable to consider your request until the appropriate fee is paid with your revised application. Please contact Brenda Brown in our headquarters office in NRC's Fees Branch at 301-415-6055 for assistance in determining your fee. Please tell her that you are adding "program code 03620" materials to your license and advise her to contact either Michael Herr, CHP or Colleen Casey if she requires additional information.

Please note that your amendment request must be resubmitted in its entirety to include all of the information requested below.

During our review of your letter dated May 22, 2010, it appeared that your application had not been prepared in accordance with the guidance in NUREG 1556, Vol. 7, "Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Academic, Research and Development, and Other Licenses of Limited Scope, dated December 1999."

The NUREG previously mentioned needs to be reviewed to ensure you understand the commitments that you will be making in your responses, as discussed below, to Appendix C of this NUREG. Using Appendix C is the simplest way to prepare your amendment request and helps to ensure a more complete application.

Please refer to NUREG 1556, Vol.7, dated December 1999 available at our website at:

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v7/sr1556v7.pdf>

You should already have a hard copy of this NUREG but we are advising you of the website availability of this NUREG also.

Please submit a more specific, but concise description of Dr. Ross Weatherman's relevant training and experience with unsealed radionuclides to demonstrate that he has had at least 40 hours of training and experience in the safe handling of radioactive materials and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation, and biological hazards of exposure to radiation appropriate to the use of unsealed hydrogen-3.

Please refer to 10 CFR 33.15(b), which we use to assist applicants who need to obtain and document radiation safety training and experience, such as Dr. Weatherman. It is available at this link:

<http://www.nrc.gov/reading-rm/doc-collections/cfr/part033/part033-0015.html>

Please refrain from submitting extraneous information concerning the prescriptive protocol elements of the proposed research. This information is unnecessary for our review, which is confined to the radiation safety elements associated with the proposed user and use of the unsealed materials.

Also please describe in detail your contamination control program. This should include instrumentation that will be used in your program, types and periodicity of surveys that will be conducted, and both operational and emergency procedures to be used in carrying out your program.

Please ensure that you take in account the inventory of radioactive material that will be present in your waste stream when requesting your possession limit for hydrogen-3.

Appendix B of NUREG 1556, Vol. 7, contains an NRC Form 313 that can be used to capture Items 1-4 on the form itself.

Appendix C can and should be used to capture all of the information in Items 5 - 11 of NRC Form 313, focusing on the responses and commitments in Appendix C and the description for each radiation safety program element in the sections in the front of the document. Please include appropriate facility diagrams for the proposed laboratory also, as requested in the guidance document.

Please refer to the links below for NRC Form 313 and NUREG 1556, Vol. 7, Appendix C respectively:

<http://www.nrc.gov/reading-rm/doc-collections/forms/nrc313.pdf>

http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v7/#_1_52

Upon receipt of your response we will resume our review. Address your written response to my attention at the above address and please be sure to reference Control No. 572910 to facilitate proper handling in our office. As a reminder, please provide the information requested in writing, accompanied by a transmittal letter or Form NRC 313 that is appropriately dated and signed by a senior management official.

Your letter dated May 22, 2010, also mentions that Mr. Albert McGarvey is allowed to "supervise the use of radioactive sources under your (NRC) license." This appears to be incorrect. The only authorized user named on this license is you. In addition, your license only authorizes one sealed source at this time.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>

ACTION REQUIRED

As we are unable to complete processing of your request at this time, due to the deficiencies noted above and the fees issue, we are voiding your request now. "Void" means that we are taking your request out of our active database until such time as we receive an appropriate written response and payment of the required fee. This is an administrative procedure that we employ to enable you to prepare a quality application without time constraints. This is done without prejudice to the resubmission of your request at a later date. Upon receipt of your response we will resume our review.

Please address your response to my attention, Michael Herr, CHP, and reference control number **572910** to facilitate proper handling.

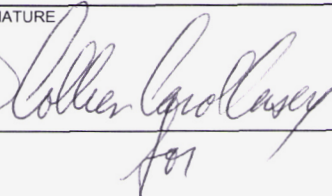
PLEASE DIRECT ANY QUESTIONS YOU MAY HAVE TO ME AT 630-829-9752 or (800) 522-3025, EXT. 9752 or to Colleen Casey at 630-829-9841.

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Colleen Carol Casey for Michael G. Herr, CHP



August 26, 2010



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 Warrenville Road, Suite 210
Lisle, Illinois 60532-4352

TELEFAX TRANSMITTAL

DATE:

8/26/10

NUMBER OF PAGES:
(including this page)

4

SEND TO:

ROSE-HULMAN INSTITUTE OF TECHNOLOGY

LOCATION:

MAARIS SYED, Ph.D. - R50

FAX NUMBER:

812-877-8023



VERIFY BY CALLING SENDER

FROM:
(SENDER)

Colleen Casey for Michael Yen, CHP.

TELEPHONE NUMBER:

630-829-9152

FAX NUMBER:

630-515-1251

515-1078

If you do not receive the complete fax transmittal, please contact the sender as soon as possible at the telephone number provided above.

MESSAGE

Please call if you have questions.

Thank you.

Colleen Carol Casey

NOTICE

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by telephone and return the original to the above address, by U.S. Mail. Thank you.