

VOID SHEET

TO: License Fee Management Branch  
FROM: Region 4  
SUBJECT: VOIDED APPLICATION

Control Number: 468318  
Applicant: Black Micro Corporation  
Date Voided: 12/6/00  
Reason for Void: \_\_\_\_\_

New license can not be issued or granted because  
location of use is in FSM islands of Palau - USNEC has no  
regulatory jurisdiction at these locations. See attached letter dated  
Dec. 6, 2000. No review accomplished.

Jacqueline Cook 12/6/00  
Signature Date

Attachment:  
Official Record Copy of  
Voided Action

FOR LFMB USE ONLY

Final Review of VOID Completed:

- Refund Authorized and processed
- No Refund Due
- Fee Exempt or Fee NOT Required

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Log completed   
Processed by: \_\_\_\_\_



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

December 6, 2000

Black Construction Corporation  
ATTN: Joseph Leasiolagi  
P.O. Box 24667  
Barrigada, Guam 96921

SUBJECT: NEW LICENSE

We have decided to void your request dated October 31, 2000, for a new byproduct material license to use sealed sources in portable gauging devices.

Your mailing address identified as P.O. Box 24667, Barrigada, Guam in Item 2 of the application is within US NRC jurisdiction; however, the address where licensed material will be used or possessed identified as Tafunsak Village, Kosrae, FSM in Item 3 is not under US NRC jurisdiction.

Please note that in 1980, Micronesia became a totally independent sovereign nation. Therefore, the US has no regulatory jurisdiction over Micronesia. The US has no formal diplomatic post in Micronesia. The US conducted nuclear tests in the Marshall Islands and although Micronesia was not directly involved, the US has an ongoing medical follow-up program under the auspices of the US Department of Energy.

In a fax dated November 29, 2000, you stated, in part, that the nuclear density gauge will be used "in-house", on your projects in the FSM and the islands of Palau.

I inquired to Mr. Ronald Hauber of our Office of International Programs regarding our regulatory authority on the islands of Palau. Mr. Hauber responded that Palau has been self-governing since 1980 and is not under US NRC jurisdiction, according to his reference source. The situation on the islands of Palau are similar to that in the Marshall Islands and the Federated States of Micronesia.

If you have questions or require clarification on any of the information stated above, we encourage you to contact us at (817) 860-8132. Thank you for your consideration in this matter.

Sincerely,

Jacqueline D. Cook  
Health Physicist  
Nuclear Materials Licensing Branch

Docket: 030-35585  
Control: 468318



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

F A C S I M I L E



**Name:** Joseph Leasiolagi  
**Organization:** Black Construction Corporation      Docket No. 030-35585  
Control No. 468318  
**Fax:** 671-646-9086  
**Phone:** 671-646-4861 Ext. 411  
**From:** Jacqueline D. Cook  
**Date:** November 30, 2000  
**Subject:** Fax dated November 30, 2000, and Application dated October 31, 2000,  
requesting New License  
**Pages:** 1

Mr. Leasiolagi,

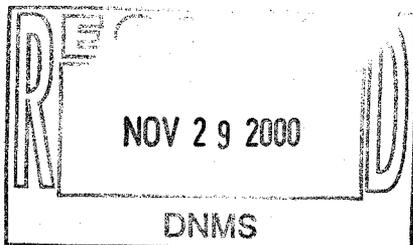
This note is to acknowledge receipt of your fax dated November 30, 2000, informing us of your intent to use the nuclear density gauge "in-house" on your projects in the Federated States of Micronesia (FSM) and the islands of Palau. I did inform you in a telephone conversation on November 27, 2000, that the U.S. has no regulatory jurisdiction over Micronesia.

I sent an e-mail to Mr. Ronald Hauber of our Office of International Programs and inquired as to our regulatory authority on the islands of Palau. Upon receipt of his response, I will forward it to you in addition to a brief statement informing you of our lack of regulatory jurisdiction over Micronesia and possibly the islands of Palau. If you have any questions regarding this fax, please call me at (817) 860-8132; fax me at (817) 860-8263, or e-mail me at [jdc1@nrc.gov](mailto:jdc1@nrc.gov). When responding to this fax, please include docket and control numbers located at the top of this page. Thank you.

  
Jacqueline D. Cook  
Health Physicist

P.O.Box 24667 GMF, Guam 96921  
(671) 646-9086 Fax

**Black Construction  
Corporation**



# Fax

<b>To:</b> Jackie Cook	<b>From:</b> Joseph Leasiolagi
<b>Fax:</b> (817) 860-8263	<b>Pages:</b> 1
<b>Phone:</b> (817) 860-8132	<b>Date:</b> 11/29/00
<b>Re:</b> Nuclear Density Guage	<b>cc:</b> Mike Rivera, Leonard Kaae

Urgent     For Review     Please Comment     Please Reply     Please Recycle

Dear Jackie,

This note is to inform you that the Nuclear Density Gauge will be used "In-House", on our projects in the Federated States of Micronesia, and the islands of Palau. The gauge will be stored in Black Micro Corp's Office in the village of Tafunsak on the island of Kosrae, FSM. After our telephone conference today, I understand that our company will be refunded our application fee of \$1300.00 U. S. Dollars.

I understand also that you will provide us with a statement allowing Troxler Manufacturer to sell Black Micro Corp. a 3400 Series Nuclear Density Gauge.

Kindly reaffirm above via facsimile at (671) 646-9086

Sincerely,

  
Joseph Leasiolagi, RSO

Black Construction Corp., Black Micro Corp.

(6-93)  
10 CFR 30, 32, 33  
34, 35, 36, 39 and 40

ESTIMATED BURDEN PER RESPONSE TO COMPLY WITH THIS INFORMATION COLLECTION REQUEST: 9 HOURS. SUBMITTAL OF THE APPLICATION IS NECESSARY TO DETERMINE THAT THE APPLICANT IS QUALIFIED AND THAT ADEQUATE PROCEDURES EXIST TO PROTECT THE PUBLIC HEALTH AND SAFETY. FORWARD COMMENTS REGARDING BURDEN ESTIMATE TO THE INFORMATION AND RECORD MANAGEMENT BRANCH (MNB 7714), U.S. NUCLEAR REGULATORY COMMISSION, WASHINGTON, DC 20555-0001, AND TO THE PAPERWORK REDUCTION PROJECT (3150-0120), OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC 20503.

# APPLICATION FOR MATERIAL LICENSE

**INSTRUCTIONS: SEE THE APPROPRIATE LICENSE APPLICATION GUIDE FOR DETAILED INSTRUCTIONS FOR COMPLETING APPLICATION. SEND TWO COPIES OF THE ENTIRE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.**

**APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:**

DIVISION OF INDUSTRIAL AND MEDICAL NUCLEAR SAFETY  
OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS  
U.S. NUCLEAR REGULATORY COMMISSION  
WASHINGTON, DC 20555-0001

**ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS:**

**IF YOU ARE LOCATED IN:**

CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, PENNSYLVANIA, RHODE ISLAND, OR VERMONT, SEND APPLICATIONS TO:

LICENSING ASSISTANT SECTION  
NUCLEAR MATERIALS SAFETY BRANCH  
U.S. NUCLEAR REGULATORY COMMISSION, REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PA 19406-1415

ALABAMA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, PUERTO RICO, SOUTH CAROLINA, TENNESSEE, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA, SEND APPLICATIONS TO:

NUCLEAR MATERIALS LICENSING SECTION  
U.S. NUCLEAR REGULATORY COMMISSION, REGION II  
101 MARIETTA STREET, NW, SUITE 2900  
ATLANTA, GA 30323-0199

**IF YOU ARE LOCATED IN:**

ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND APPLICATIONS TO:

MATERIALS LICENSING SECTION  
U.S. NUCLEAR REGULATORY COMMISSION, REGION III  
799 ROOSEVELT ROAD  
GLEN ELLYN, IL 60137-5927

NOV - 6 2000

ARKANSAS, COLORADO, IDAHO, KANSAS, LOUISIANA, MONTANA, NEBRASKA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, SOUTH DAKOTA, TEXAS, UTAH, OR WYOMING, SEND APPLICATIONS TO:

NUCLEAR MATERIALS LICENSING SECTION  
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TX 76011-8084

ALASKA, ARIZONA, CALIFORNIA, HAWAII, NEVADA, OREGON, WASHINGTON, AND U.S. TERRITORIES AND POSSESSIONS IN THE PACIFIC, SEND APPLICATIONS TO:

RADIOACTIVE MATERIALS SAFETY BRANCH  
U.S. NUCLEAR REGULATORY COMMISSION, REGION V  
1450 MARIA LANE  
WALNUT CREEK, CA 94596-5368

**PERSONS LOCATED IN AGREEMENT STATES SEND APPLICATIONS TO THE U.S. NUCLEAR REGULATORY COMMISSION ONLY IF THEY WISH TO POSSESS AND USE LICENSED MATERIAL IN STATES SUBJECT TO U.S. NUCLEAR REGULATORY COMMISSION JURISDICTIONS.**

**1. THIS IS AN APPLICATION FOR (Check appropriate item)**

- A. NEW LICENSE
- B. AMENDMENT TO LICENSE NUMBER \_\_\_\_\_
- C. RENEWAL OF LICENSE NUMBER \_\_\_\_\_

**2. NAME AND MAILING ADDRESS OF APPLICANT (include Zip code)**

**JOSEPH LEASIOLAGI**  
**P.O. BOX 24667**  
**BARRIGADA, GUAM 96921**

**3. ADDRESS(ES) WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED**

**BLACK MICRO CORPORATION**  
**TAFUNSAK VILLAGE**  
**KOSRAE, FSM**

**4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION**

**JOSEPH LEASIOLAGI**

TELEPHONE NUMBER  
**(671) 646-4861 EXT. 411**

SUBMIT ITEMS 5 THROUGH 11 ON 8-1/2 X 11" PAPER. THE TYPE AND SCOPE OF INFORMATION TO BE PROVIDED IS DESCRIBED IN THE LICENSE APPLICATION GUIDE.

5. RADIOACTIVE MATERIAL. a. Element and mass number; b. chemical and/or physical form; and c. maximum amount which will be possessed at any one time.	6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED.
7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING EXPERIENCE.	8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.
9. FACILITIES AND EQUIPMENT.	10. RADIATION SAFETY PROGRAM.
11. WASTE MANAGEMENT.	12. LICENSEE FEES (See 10 CFR 170 and Section 170.31) FEE CATEGORY _____ AMOUNT ENCLOSED \$ _____
13. CERTIFICATION. (Must be completed by applicant) THE APPLICANT UNDERSTANDS THAT ALL STATEMENTS AND REPRESENTATIONS MADE IN THIS APPLICATION ARE BINDING UPON THE APPLICANT. THE APPLICANT AND ANY OFFICIAL EXECUTING THIS CERTIFICATION ON BEHALF OF THE APPLICANT, NAMED IN ITEM 2, CERTIFY THAT THIS APPLICATION IS PREPARED IN CONFORMITY WITH TITLE 10, CODE OF FEDERAL REGULATIONS, PARTS 30, 32, 33, 34, 35, 36, 39 AND 40, AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF. WARNING: 18 U.S.C. SECTION 1001 ACT OF JUNE 25, 1948 62 STAT. 749 MAKES IT A CRIMINAL OFFENSE TO MAKE A WILLFULLY FALSE STATEMENT OR REPRESENTATION TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES AS TO ANY MATTER WITHIN ITS JURISDICTION.	

CERTIFYING OFFICER - TYPED/PRINTED NAME AND TITLE: **JOSEPH LEASIOLAGI, RADIATION SAFETY OFFICER** SIGNATURE: *Joseph Leasiolagi* DATE: **10-31-00**

**FOR NRC USE ONLY**

TYPE OF FEE <b>3P</b>	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED <b>\$ 1,300.00</b>	CHECK NUMBER	COMMENTS
APPROVED BY	DATE			<b>468318</b>	



General Contractors

#	RADIO ISOTOPE	MANUFACTURER/ MODEL	QUANTITY	MOST COMMON USE
5.	CESIUM – 137 8 mCi	TROXLER 3400 SERIES SEALED SOURCE A-102-112	NOT TO EXCEED 9 mCi	MEASURE PHYSICAL PROPERTIES OF MATERIALS
6.	AMERICIUM-241 40 mCi	TROXLER 3400 SERIES SEALED SOURCE A-102-451	NOT TO EXCEED 44 mCi	MEASURE PHYSICAL PROPERTIES OF MATERIALS
7.	Joseph Leasiolagi has successfully completed "Radiation Safety Officer" in NUREG-1556, Vol. 1, Consolidated guidance about material licenses: Program specific guidance about portable gauges licenses date May 1997, with "Nevada Technical Associates, Inc., September 2000.			
8.	Before using licensed materials, authorized users will have successfully completed one of the training courses described in criteria in section entitled "Training for Individuals working in or frequenting restricted areas" in NUREG-1556, Vol. 1, "Consolidated Guidance about Materials Licenses: Program- specific guidance about portable gauge licenses dated May 1997."			
13.	We will possess and use a Radiation Survey Meter that meets the criteria. In the section entitled "Radiation Safety Program – Instruments" in NUREG-1556, Vol. 1, Consolidated Guidance about materials licenses: Program specific guidance about portable gauge licenses dated May 1997, in the event of an incident.			
14.	Physical inventories will be conducted at intervals not to exceed 6 months, to account for all sealed sources and devices received and possessed under the license.			
15.	We will provide dosimetry processed and evaluated by NVLAP approved processor that is exchanged at a frequency recommended by the processor.			
17.	We will implement and maintain the operating emergency procedures in appendix H of NUREG-1556, Vol. 1, Consolidated Guidance about materials licenses: Program specific guidance about portable gauge licenses dated May 1997 and provide copies of these procedures to all gauge users and at each jobsite.			
18.	<p><b>Routine Cleaning/Lubrication:</b> We will implement and maintain procedures for routine maintenance of our gauge according to manufacturer's recommendations and instructions.</p> <p><b>Non-routine maintenance and repair:</b> We will send the gauge to the manufacturer to perform non-routine maintenance or repair operations that require detaching the source or source rod from the gauge.</p>			