



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

April 18, 2005

Docket No. 03028770
Control No. 136643

License No. 45-23090-01

Paul Teng, P.E.
Director, Office of Infrastructure
U.S. Department of Transportation
Federal Highway Administration
Office of Engineering Research & Development
FHWA-HNR-30
6300 Georgetown Pike
McLean, VA 22101

SUBJECT: U.S. DEPARTMENT OF TRANSPORTATION, REQUEST FOR ADDITIONAL INFORMATION CONCERNING APPLICATION FOR AMENDMENT TO LICENSE, CONTROL NO. 136643

Dear Mr. Teng:

This is in reference to your letter dated March 3, 2005 requesting to amend Nuclear Regulatory Commission License No. 45-23090-01. In order to continue our review, we need the following additional information:

1. Your application does not contain the information needed to support your request for portable gauge activities. The NRC has streamlined the way we issue licenses and amendments. We no longer identify Co-RSOs on licenses. We do list the specific portable gauges on each license. As such, we will need you to resubmit your application using the guidance in NUREG-1556, Volume 1, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Portable Gauge Licenses" (enclosed). This will allow us to issue you the amendment using our new standard license conditions. The checklist in Appendix B in NUREG-1556, Volume 1, Revision 1, contains procedures that are acceptable to the NRC and may be used to submit your response. Please photocopy Appendix B, checkmark the appropriate boxes, complete NRC Form 313 (copy enclosed), and re-submit your request. You may include an inventory list of the portable gauge make and models you possess with their respective Sealed Source and Device Registration (SSDR). The NRC can no longer provide the SSDRs, but you may request SSDRs from the manufacturer/distributor.
2. License Condition 15 of your current license allows Dr. Saleh and Dr. Mitchell to remove the sealed sources from the gauges. We understand from your letter dated March 3, 2005, that Dr. Saleh has left your facility and that Dr. Mitchell has other duties. If you would like to continue this practice, please follow the guidance in Appendix G of NUREG-1556, Volume 1, Revision 1 and provide this additional information.

P. Teng
U.S. Department of Transportation

2

Current NRC regulations and guidance are available at the NRC Web sites listed below or by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

We will continue our review upon receipt of this information. Please reply to my attention at the Region I Office and refer to Mail Control No. 136643. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5251.

If we do not receive a reply from you within 30 calendar days from the date of this letter, we shall assume that you do not wish to pursue your application.

Sincerely,

Original signed by Kathy Dolce Modes

Kathy Dolce Modes
Health Physicist
Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosures:
NRC Form 313
NUREG-1556, Volume 1, Revision 1

NRC Web site addresses
NRC regulations

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

Licensing guidance

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

General Policy and Procedure for NRC Enforcement Actions

<Http://www.nrc.gov/what-we-do/regulatory/enforcement/enforc-pol.pdf>

206 of the Energy Reorganization Act of 1974

<http://www.nrc.gov/who-we-are/governing-laws.html>

cc w/encl:
Dennis Sixbey, Radiation Safety Officer

DOCUMENT NAME: E:\Filenet\ML051080124.wpd

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI		DNMS/RI			
NAME	KModesKAD							
DATE	4/18/2005							

OFFICIAL RECORD COPY