

R. M. WESTER *and ASSOCIATES, INC.*

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September 24, 2008

Mrs. Patricia Pelke, Director of Licensing
U.S. Nuclear Regulatory Commission, Region III
2443 Warrenville Road, Suite 210
Lisle, Illinois 60532-4352

Dear Mrs. Pelke:

Consistent with our conversation of two days ago regarding the license amendment submitted to remove all applicable wording from our license that subjected us to the assignment of two additional license categories, and the subsequent assessment of fees related to these categories. To accomplish this goal, and of course with your assistance, I am submitting my interpretation of language changes that need to be made to our current license. It is not my desire, or a benefit to our company to just slash whole sections from our license and reduce the services we offer, which would further limit our income, and our ability to pay future fees. I must also include a reminder that we provide safe and secure methods for assisting companies with environmental issues, under the licensed programs we offer, and a great number of the people with the needs for our services, do not have a license to possess the same item for which we must hold a license. In most cases we would be more accurately described as a facilitator assisting others in complying with regulatory requirements.

For example, we are called to assist a General Licensee to find a sealed source which was mistakenly discarded with scrap process equipment. When we locate the source, and after it has been inspected and leak tested, it must be packaged in appropriate specification packaging materials, must be labeled accordingly, and transported to a safe and secure licensed facility. Once the reports have been made and the commission has determined that an official inspection may or may not be desired, the sealed source and perhaps the device remains are then shipped for the client (under their authorization, and concurrence that the receiving facility will accept the device), then and only then can the equipment be shipped to the facility where source recovery is possible and the sources are reused. Other than the broken device housing, the actual radioactive materials are not waste.

I have addressed each item listed within our license that makes reference to atomic numbers 84 to 95. The specific changes that I believe will properly position us and our NRC license authority to remove all possible links to license categories other than 3N are as follows:

Item 6.I. Remove Atomic Numbers 90, 92, and 94 from the list. OR change to read "Any byproduct material with atomic numbers 1-98 (Excluding Uranium, Thorium, and Plutonium)

Item 6.H. Remove Atomic Number 94 from the list. No other change should be required

Item 9.H. Possession incident to the performance of leak testing customers' sealed sources and the analysis of customers' environmental sample, but limiting the possession of Uranium and Thorium to a maximum of less than 150 Kilograms.

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Item 6.P. Any byproduct material with atomic numbers 1-98 (Excluding Uranium, Thorium, and Plutonium)

This still allow possession under this license condition to include Radium when the future regulatory changes between the NRC, and current state authority programs take place.

Item 9.P. For possession incident to the recovery and transfer to an authorized sealed source recycling facility, or manufacturer, for lost, abandoned and/or found orphaned sealed sources.

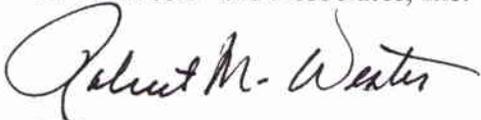
Item 9.M. Possession incident to warehousing and transfer for recycling of tritium filled self luminous devices that have been registered pursuant to Section 32.210 of 10 CFR Part 32 or equivalent Agreement State regulations.

Item 9.Q and R. The word "disposal" should be removed from this item thereby, restricting our possession to only sealed sources which can be recycled, or returned to a manufacturer.

It is important that you know I appreciate your assistance with these matters, and should there be better wording, please don't hesitate to call me. It is my focus and intention to maintain our business base as it has always been, and remain within our intended scope of authority as a license category 3N service provider. I have never intended otherwise. Reviews that can assist me to accomplish this without sacrificing our business services will be appreciated. I was told by people in Washington that the Financial Group was auditing licenses by a form of an unfiltered key word search, which of course doesn't actually identify the authority requested by the licensee, or that granted by the license reviewer who has a relationship and understanding of the licensee's actual business endeavors. This presents a huge problem, in so much as this audit process doesn't include the information that licensees are required to provide, such as intended uses. Nothing we ever submitted would have qualified us to possess uranium and thorium under the requirements of 10 CFR 40 requesting pro-active use conditions as specified in 40.32 or 40.34, for specific licenses, and likewise for the source material possession and use qualifications.

I do also need to keep this matter current so as to preclude any other license category fees from being assessed in any future annual invoices or future audits by the NRC's financial group. Your guidance, understanding, and assistance with this matter is greatly appreciated.

Sincerely,
R. M. Wester and Associates, Inc.



Robert M. Wester,
President

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