

TRANSMISSION VERIFICATION REPORT

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TEL :
SER.# : 000A7J925774

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

TELEFAX TRANSMITTAL

DATE: 08/19/2009

NUMBER OF PAGES: 5
(including this page)

SEND TO: David Sampl, VP of Operations, Kwame Building Group

LOCATION: St. Louis, MO

FAX NUMBER: 314 - 862 - 1855 **VERIFY BY CALLING SENDER**

FROM: Jose Macatangay
(SENDER)

TELEPHONE NUMBER: 630 - 829 - 9892 FAX NUMBER: 630 - 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

Per our phone conversation this afternoon. The revised deficiency in application notice (includes the 30-day response time)



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Per our phone conversation this afternoon. The revised deficiency in application notice (includes the 30-day response time).

Thank you.

A handwritten signature in cursive script that reads "Jose Macatangay".

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.

JOSE D. MACATANGAY
MATERIALS LICENSING BRANCH
UNITED STATES NUCLEAR REGULATORY COMMISSION

REGION III
2443 WARRENVILLE ROAD STE 210
LISLE, ILLINOIS 60532-4352
OFFICE: (630)-829-9892 FAX: (630) 515-1078

CONVERSATION RECORD Revision discussed with Mr. Sampl. | TIME 4:30PM ON | DATE

ACTUALLY FAXED? Yes. 08/19/2009

NAME OF PERSON(S) CONTACTED	ORGANIZATION	TELEPHONE NO.
David Sampl, VP of Operations	Kwame Building Group	O: 314-862-5344 F: 314-862-1855

SUBJECT
License No.: Pending Control No.: 318284

SUMMARY

A. During our review of your application dated June 19, 2009, it appeared that your application had not been completely prepared in accordance with the guidance in NUREG 1556, Vol. 1, Rev. 1, "Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Portable Gauge Licenses, dated November 2001." This omission has resulted in an incomplete application that contains numerous restrictive elements which we believe you would find difficulty complying with, if we were to include them in your license.

Please resubmit your application for a new license in entirety, focusing on the responses and commitments in Appendix B to the aforementioned NUREG.

Please note that certain sections of this NUREG have been modified since its last revision, as noted below:

1. We now require a total possession limit for each radionuclide requested, as well as providing the "per source" activity you need, which should match the Sealed Source and Device Registry certificate procured by the vendor. Please provide this information and it is acceptable to request more sealed sources than you may actually need immediately, to allow for some growth, so long as the request is reasonable and realistic.
2. You will not be able to change and name your RSO internally; NRC must do that for you via the amendment process. For future reference only, please include the name and qualifications of your proposed RSO and a written, signed and dated statement that stipulates your proposed RSO accepts the RSO position and understands the duties and responsibilities associated with the position. Each proposed RSO must be qualified in accordance with the guidance in NUREG 1556, Vol 1, Rev. 1, Section 8.7, Item 7: Individual(s) Responsible for Radiation Safety Program and Their Training and Experience.

B. Specifically, a brief listing of the restrictive elements identified in your application dated June 19, 2009, is as follows, and were discussed with you during our pre-licensing site visit conducted on July 21, 2009:

1. In Item 5, "Radioactive Material," you listed a number of specific portable gauge models within the Troxler 3400 Series. Should there be subsequent additions or subtractions to the specific models you requested in this series, you would have to obtain an amendment to your license prior to procuring the gauges. **Please respond by requesting "use of sealed sources in the Troxler 3400 series gauges."**
2. In Item 7, "Individual(s) Responsible for Radiation Safety Program and Their Training Experience," you stated, "Before being named as the RSO, future RSOs will have successfully completed Troxler's Nuclear Gauge Safety Training Class or Troxler's Radiation Safety Officer Training Class."

This would restrict future RSO training to be conducted through Troxler only. **Please respond by requesting "Before obtaining licensed materials, the proposed RSO will have successfully completed one of the training courses described in Criteria in the section entitled 'Individual(s) responsible for Radiation Safety Program and Their Training and Experience – Radiation Safety Officer' in NUREG-1556, Vol. 1, Rev. 1, 'Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Portable Gauge Licenses,' dated September 2001."**

3. In Item 8, "Training for Individual(s) Working In or Frequenting Restricted Areas," you indicated that training would be provided by Troxler. This would restrict your training through Troxler only. **Please respond by requesting "Before using licensed materials, authorized users will have successfully completed one of the training courses described in Criteria in the section entitled 'Training for Individuals Working In or Frequenting Restricted Areas' in NUREG-1556, Vol. 1, Rev. 1, 'Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Portable gauge Licenses,' dated September 2001."**
4. In Item 9, "Facilities and Equipment," you included many details, i.e. steel-covered window, welded steel mesh frame over windows, etc., on how the portable gauge would be secured. If approved as submitted, you would be committed to all those conditions. This information need not be submitted with your application as noted in Appendix B. **However, please do explain, briefly, how your gauges will be procured, used and stored, temporarily and/or permanently, as you described to us during our visit on July 21, 2009.**
5. In Item 10.1, "Personnel Monitoring Program," you committed to using Troxler Radiation Monitoring Services. This restricts your dosimetry vendor to Troxler only. **Please respond by requesting either "Maintain, for inspection by NRC, documentation demonstrating that unmonitored individuals are not likely to received, in one year, a radiation dose in excess of 10 percent of the allowable limits in 10 CFR Part 20" or "We will provide dosimetry processed and evaluated by an NVLAP-approved processor that is exchanged at a frequency recommended by the processor."**
6. In Item 10.2, "Radiation Detection Instruments," you committed to using the TroxAlert survey meter. This would restrict your survey meter to the TroxAlert only. **Please respond by requesting "We will either possess and use, or have access to and use, a radiation survey meter that meets the Criteria in the section entitled 'Radiation Safety Program – Instruments' in NUREG-1556, Vol. 1, Rev. 1, dated November 2001."**

7. In Item 10.3, "Leak Testing," you committed to using Troxler Leak Test Kit 3880. This would restrict you to using the Troxler Leak Test Kit 3880 only. **Please respond by requesting "Leak tests will be performed at intervals approved by NRC or an Agreement State and specified in the Sealed Source and Device Registration Sheet. Leak tests will be performed by an organization authorized by NRC or an Agreement State to provide leak testing services for other licensees or using leak test kit supplied by an organization authorized by NRC or an Agreement State to provide leak test kits to other licensees and according to the kit supplier's instructions."**

C. The following were noted as additional deficiencies within your application:

1. In NRC Form 313, Item 3, "Address of Use", you stated "temporary job sites" and "MSD Lower Meramec Wastewater Treatment Plant, 7849 Fine Road, St. Louis, MO 63126." In the NRC guidance document, NUREG 1556, Vol. 1, Rev. 1, Section 8.3, Item 3 indicates that most applicants need to provide two types of information: (1) description of storage, use, and dispatch locations (2) specification of whether they intend to use the portable gauge at temporary job sites. This address appears to be a temporary job site. **As appropriate, please explain how your gauge(s) will be procured and whether you will keep an inventory of gauges between jobs. (Also, noted above in B.4)**
2. In Item 7, "Individual(s) Responsible for Radiation Safety Program and Their Training Experience," you proposed Mark Markovic as the Radiation Safety Officer and provided a license number for the training course completed, which did not support Mr. Markovic's request. **Please provide evidence that Mr. Markovic has successfully completed the manufacturer's radiation safety training.**
3. In Item 10.6, "Operating and Emergency Procedures," specific procedures missing were for the portable gauge field storage when not in use and the non-routine maintenance procedures (if to be performed by your company or a statement indicating that vendor will provide these services). These procedures need not be submitted with your application.

Please respond by requesting either "We will implement and maintain the operating and emergency procedures in Appendix H of NUREG-1556, Vol. 1, Rev. 1, 'Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Portable Gauge Licenses,' dated November 2001, and provide copies of these procedures to all gauge users and at each job site" or "Operating and emergency procedures will be developed, implemented, and maintained, and will meet the criteria in the section entitled 'Radiation safety Program – Operating and Emergency Procedures' in NUREG-1556, Vol. 1, Rev. 1, 'Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Portable Gauge Licenses,' dated November 2001."

Please also specify whether you intend to perform non-routine maintenance activities yourself (and note that additional, substantial information will be required if you do) or stipulate that you will send the gauges to the vendor for all non-routine maintenance.

We will be unable to continue processing your request until we receive this information. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be

available electronically in the NRC Public Document Room or from the Publicly Available Record (PARS) component of NRC's document system (ADAMS) accessible from the NRC Website at <http://www.nrc.gov/reading-rem/adams.html>.

ACTION REQUIRED

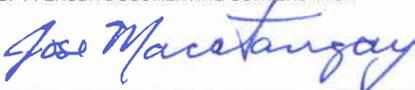
Please submit a written response within 30-days (from August 04, 2009) or contact me to arrange an alternate response date. Be sure to reference control number 318184 to facilitate correct processing of your response.

If we do not receive a written response within 30-days, please note that we may void this request in order to enable you to prepare a quality application without time constraints. This would be done without prejudice to the resubmission of your request at a later date. Upon receipt of your response we will resume our review. Address your written response to my attention at the above address.

Please note that a "Void" is an administrative procedure that puts your new license application "On Hold" (takes it out of our active casework database) until you reactivate it via submission of a written response. It "buys" you time to prepare a quality response and is generally regarded as a "good thing".

Upon receipt of your response we will resume our review.

PLEASE DIRECT ANY QUESTIONS YOU MAY HAVE TO ME AT (630) 829-9892.

NAME OF PERSON DOCUMENTING CONVERSATION	SIGNATURE	DATE
Jose Macatangay		August 19, 2009
