

# Kwame Building Group, Inc.

1204 Washington Avenue / St. Louis, Missouri 63103 / 314.862.5344 / 314.862.1855

October 28, 2009

Jose Macatangay  
Materials Licensing Branch  
U.S. Nuclear Regulatory Commission Region III  
2443 Warrenville Road Suite 210  
Lisle, IL 60532-4352

RE: **Control No.: 318284**

Dear Jose Macatangay:

We have revised the application for a license to use nuclear testing gauge based on your comments. Enclosed with please find the revised application for expedition.

Kwame Building Group, Inc. will be monitoring a contractor's soil compaction by using nuclear testing a sealed source gauge. The equipment will only be used by a qualified and licensed Radiation Safety Officer who will be also responsible for storage and security of the instrument at all times.

Sincerely,

Granville White  
Vice President  
KWAME BUILDING GROUP, INC.

RECEIVED NOV 03 2009

**APPLICATION FOR MATERIALS LICENSE**

Estimated burden per response to comply with this mandatory collection request: 4.3 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. Send comments regarding burden estimate to the Records and FOIA/Privacy Services Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to [infocollects.resource@nrc.gov](mailto:infocollects.resource@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0120), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

**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:**

OFFICE OF FEDERAL & STATE MATERIALS AND ENVIRONMENTAL MANAGEMENT PROGRAMS  
DIVISION OF MATERIALS SAFETY AND STATE AGREEMENTS  
U.S. NUCLEAR REGULATORY COMMISSION  
WASHINGTON, DC 20555-0001

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

**IF YOU ARE LOCATED IN:**

ALABAMA, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, FLORIDA, GEORGIA, KENTUCKY, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, PUERTO RICO, RHODE ISLAND, SOUTH CAROLINA, TENNESSEE, VERMONT, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA, SEND APPLICATIONS TO:

LICENSING ASSISTANCE TEAM  
DIVISION OF NUCLEAR MATERIALS SAFETY  
U.S. NUCLEAR REGULATORY COMMISSION, REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PA 19406-1415

**IF YOU ARE LOCATED IN:**

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

MATERIALS LICENSING BRANCH  
U.S. NUCLEAR REGULATORY COMMISSION, REGION III  
2443 WARRENVILLE ROAD, SUITE 210  
LISLE, IL 60532-4352

ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, HAWAII, IDAHO, KANSAS, LOUISIANA, MISSISSIPPI, MONTANA, NEBRASKA, NEVADA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, OREGON, PACIFIC TRUST TERRITORIES, SOUTH DAKOTA, TEXAS, UTAH, WASHINGTON, OR WYOMING, SEND APPLICATIONS TO:

NUCLEAR MATERIALS LICENSING BRANCH  
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV  
612 E. LAMAR BOULEVARD, SUITE 400  
ARLINGTON, TX 76011-4125

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)

**Granville White**  
**Kwame Building Group**  
**1204 Washington Avenue, Suite 200**  
**St. Louis, MO 63103**

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

**We store the portable gauges at temporary job sites. The gauges will be securely locked in a dedicated room at the project site office. We are not procuring them. We rent them as needed.**

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

**Granville White**

TELEPHONE NUMBER

**(314) 754-5630**

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. *See attachment 1*

6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED.

*See attachment 1*

7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING EXPERIENCE *See attachment 2*

8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.

*See attachment 2*

9. FACILITIES AND EQUIPMENT. *See attachment 2*

10. RADIATION SAFETY PROGRAM.

*See attachment 2*

11. WASTE MANAGEMENT. *See attachment 2*

12. LICENSE FEES (See 10 CFR 170 and Section 170.31)

FEE CATEGORY **3P** 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

**Granville White, Vice President**

SIGNATURE *G. White* DATE **10.27.09**

**FOR NRC USE ONLY**

TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
			\$		
APPROVED BY				DATE	

**ITEM 5 AND 6: MATERIALS TO BE POSSESSED AND PROPOSED USES**

Yes	No	Radioisotope	Manufacturer or Distributor Model No.	Quantity	Use as listed on SSD Certificate	Specify other uses not listed on SSD Certificate
X		Cesium-137	Sealed Source manufacturer or distributor and model number: <u>Use of sealed sources in the Troxler 3400 series gauges</u>  Device manufacturer or distributor and model number: <u>Troxler 3400 Series</u>	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input checked="" type="checkbox"/> Specific description of the gauge use: <u>For measurement of soil compaction density on construction site</u>	<input checked="" type="checkbox"/> Not applicable  <input type="checkbox"/> Uses are:
X		Americium-241:Beryllium	Sealed Source manufacturer or distributor and model number: <u>Use of sealed sources in the Troxler 3400 series gauges</u>  Device manufacturer or distributor and model number: <u>Troxler 3400 Series</u>	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input checked="" type="checkbox"/> Specific description of the gauge use: <u>For measurement of soil compaction density on construction site</u>	<input checked="" type="checkbox"/> Not applicable  <input type="checkbox"/> Uses are:
X		Americium-241	Sealed Source manufacturer or distributor and model number: <u>Use of sealed sources in the Troxler 3400 series gauges</u>  Device manufacturer or distributor and model number: <u>Troxler 3400 Series</u>	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input checked="" type="checkbox"/> Specific description of the gauge use: <u>For measurement of soil compaction density on construction site</u>	<input checked="" type="checkbox"/> Not applicable  <input type="checkbox"/> Uses are:

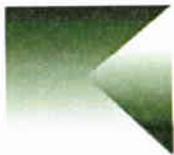
Yes	No	Radioisotope	Manufacturer or Distributor Model No.	Quantity	Use as listed on SSD Certificate	Specify other uses not listed on SSD Certificate
X		Californium-252	<p>Sealed Source manufacturer or distributor and model number: <u>Use of sealed sources in the Troxler 3400 series gauges</u></p> <p>Device manufacturer or distributor and model number: <u>Troxler 3400 Series</u></p>	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	<p>Yes <input checked="" type="checkbox"/> Specific description of the gauge use: For <u>measurement of soil compaction density on construction site</u></p>	<p><input checked="" type="checkbox"/> Not applicable</p> <hr/> <p><input type="checkbox"/> Uses are:</p> <hr/>

**ITEM 7 THROUGH 11: TRAINING AND EXPERIENCE, FACILITIES AND EQUIPMENT, RADIATION SAFETY PROGRAM, AND WASTE DISPOSAL**

Item No. and Title	Response	Yes	Alternative procedures Attached
<b>7. Individual(s) Responsible For Radiation Safety Program and Their Training and Experience- Radiation Safety Officer</b> <b>Name: <u>Mark Markovic</u></b>	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 November 2001	<input type="checkbox"/>	<input type="checkbox"/>
<b>8. Training For Individuals Working In Or Frequenting Restricted Areas</b>	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 November 2001	<input type="checkbox"/>	<input type="checkbox"/>
<b>9. Facilities and Equipment</b>	We are not procuring the portable gauges. We rent them as needed and store them at temporary job sites. The gauges will be securely locked in a dedicated room at the project site office.		
<b>10.1 Radiation Safety Program-Audit program</b>		Not applicable at this level.	
<b>10.2 Radiation Safety Program-Termination of Activities</b>		Need not be submitted with application	
<b>10.3 Radiation Safety Program-Occupational Dosimetry</b>	Either We will Maintain, for inspection by NRC, documentation demonstrating that unmonitored individuals are not likely to receive, 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.	<input type="checkbox"/>	<input type="checkbox"/>

Item No. and Title	Response	Yes	Alternative procedures Attached
<b>10.4 Radiation Safety Program-Survey Instruments</b>	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	<input type="checkbox"/>	<input type="checkbox"/>
<b>10.5 Radiation Safety Program-Leak Test</b>	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 a leak test kits to other licensees and according to the kit supplier's instructions.	<input type="checkbox"/>	<input type="checkbox"/>
<b>10.6 Radiation Safety Program-Material Receipt and Accountability</b>	Physical inventories will be conducted at interval not to exceed 6 months, to account for all sealed sources and devices received and possessed under the license. Inventory records, receipt, transfer and disposal will be maintained for at least 3 years.	<input type="checkbox"/>	<input type="checkbox"/>
<b>10.7 Radiation Safety Program-Public Dose</b>		Need not be submitted with application	
<b>10.8 Radiation Safety Program-Operating and Emergency Procedures</b>	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.	<input type="checkbox"/>	<input type="checkbox"/>
<b>10.9 Radiation Safety Program-Maintenance</b>	<p><i>Routine Cleaning and Lubrication</i></p> <p>We will implement and maintain procedures for routine maintenance of our gauges according to each manufacturer's recommendations and instructions.</p> <p><i>Non-routine maintenance</i></p> <p>We will send the gauge to the manufacturer or other person authorized by NRC or an Agreement State to perform non-routine maintenance or repair operations that require the removal of the source or source rod from the gauge.</p>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Item No. and Title</b>	<b>Response</b>	<b>Yes</b>	<b>Alternative procedures Attached</b>
<b>10.10 Radiation Safety Program-Transportation</b>		Need not be submitted with application	
<b>11.Waste Management –Gauge Disposal and Transfer</b>		Need not be submitted with application	



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Mark Markovic  
1204 Washington Avenue, Suite 200  
St. Louis, MO 63103

October 28, 2009

Granville White  
Vice President  
Kwame Building Group, Inc.  
1204 Washington Avenue, Suite 200  
St. Louis, MO 63103

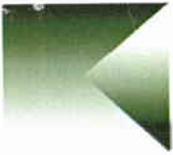
Subject: **Radiation Safety Officer (RSO) Position**

Mr. White;

This is to confirm that I accept the RSO position. I know and understand the duties and responsibilities associated with the position. It is also known that I have successfully completed the Nuclear Gauge Safety Training Class or the Radiation Safety Officer Training Class to use Troxler 3400-Series. I will also be willing to take and complete the training courses required for Radiation Safety Officer to obtain other licensed materials.

With regards;

Mark Markovich



# Kwame Building Group, Inc.

1204 Washington Avenue / St. Louis, Missouri 63103 / 314.862.5344 / 314.862.1855

October 22, 2009

Mark Markovich  
1204 Washington Avenue, Suite 200  
St. Louis, MO 63103

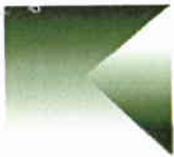
Subject: Radiation Safety Officer (RSO) Position

Mr. Markovich;

I am pleased to assign you the position of Radiation Safety Officer (RSO) based on your qualification: training and experience. The Job Description for your new position is attached to this letter. Please, note that we are not procuring any Nuclear Testing Gauges. We rent them as needed and store them at job sites temporarily.

With regards;

  
Granville White  
Vice President  
Kwame Building Group, Inc.



# Kwame Building Group, Inc.

1204 Washington Avenue / St. Louis, Missouri 63103 / 314.862.5344 / 314.862.1855

October 22, 2009

Mark Markovich  
1204 Washington Avenue, Suite 200  
St. Louis, MO 63103

Subject: **Job Description for the Radiation Safety Officer Position**

The RSO's duties and responsibilities typically include ensuring the following (as described in Appendix E of NUREG-1556, Vol. 1, Rev. 1, "Typical Duties and Responsibilities of the Radiation Safety Officer," dated November 2001)

- Licensed activities that the RSO considers unsafe are stopped;
- Possession, use, storage, and maintenance of sources and gauges are consistent with the limitations in the license, the Sealed Source and Device Registration sheet(s), and the manufacturer's recommendations and instructions;
- Individuals who use gauges are properly trained;
- When necessary, personnel monitoring devices are used and exchanged at the proper intervals; records of the results of such monitoring are maintained;
- Gauges are properly secured;
- Proper authorities are notified in case of accident, damage to gauges, fire, or theft;
- Unusual occurrences involving the gauge (e.g., accident, damage) are investigated, cause(s) and appropriate corrective action are identified, and corrective action is taken;
- Licensed material is transported in accordance with all applicable DOT requirements;
- Licensed material is disposed of properly;
- Appropriate records are maintained;
- An up-to-date license is maintained and amendment and renewal requests are submitted in a timely manner;
- Up-to-date operating and emergency procedures are developed, maintained, distributed, and implemented;
- Non-routine operations are performed by the manufacturer, distributor, or person specifically authorized by NRC or an Agreement State;
- Documentation is maintained to demonstrate, by measurement or calculation, that the TEDE to the individual member of the public likely to receive the highest dose from the licensed operation does not exceed the annual limit in 10 CFR 20.1301;
- When the licensee identifies violations of regulations or license conditions or program weaknesses, corrective actions are developed, implemented, and documented;
- Posting of documents required by 10 CFR 19.11 (Parts 19 and 20, license documents, operating procedures, NRC Form 3, "Notice to Employees"), and 10 CFR 21.6 (Part 21, Section 206 of Energy Reorganization Act of 1974, procedures adopted pursuant to Part 21) or posting a notice indicating where these documents can be examined.

With regards;

Granville White, Vice President  
Kwame Building Group, Inc.

# *Certificate of Completion*

This certifies that

*Mark Markovic*

has successfully completed the  
**Nuclear Gauge Safety Training Class**  
conducted by the training department of

*Troxler Electronic Laboratories, Inc.*

*P. Patrick Schroeder*

Patrick Schroeder  
Instructor

February 11, 2009  
Date

*William F. Troxler, Jr.*  
President

Pass-Certified to operate Nuclear  
Gauges  
15800930



Troxler Electronic Laboratories, Inc.  
PO Box 12057 \* 3008 Cornwallis Rd. \* Research Triangle Park, NC 27709  
Phone: (919) 549-8661 \* Fax: (919) 549-0761 \* Web site: [www.troxlerlabs.com](http://www.troxlerlabs.com)

# HAZMAT Certification

as required by U.S. DOT and IATA

*This certifies that*  
**Mark Markovic**

*has been trained and tested in accordance with the U.S. Department of Transportation and International Air Transport Association (IATA) hazardous material requirements for general awareness/familiarization, function-specific, safety, and security awareness training as related to the transportation of nuclear gauges. A description of the training course materials is available from Troxler Electronic Laboratories, Inc.*

*Training Date*  
**February 11, 2009**

*Expiration Date*  
**3 years from date of class**

*Instructor*  
**Patrick Schroeder**



**Troxler Electronic Laboratories, Inc.**  
PO Box 12057 • 3008 Cornwallis Road • Research Triangle Park, NC 27709  
Phone: (919) 549-8661 • Fax: (919) 549-0761 • [www.troxlerlabs.com](http://www.troxlerlabs.com)

## *Hazmat Employer Certification*

*Company:*

*Company Official:* \_\_\_\_\_ *Date:* \_\_\_\_\_

*Enrollment ID:*

**15800930**

Mercedes-Benz Credit

NRC FORM 386 (R111)  
(4-2004)



UN  
NUCLEAR REG

2443 Warre  
Lisle, IL

TELEFAX

Dear Mr. Macatangay;  
Attached is <sup>your</sup> comments  
for your reference in  
reviewing our application.  
*[Signature]*  
Kwame Building Group

A Member of the DaimlerChrysler Services Group

*[Handwritten mark]*

DATE: 08/04/2009

SEND TO: DAVID SAMPL, VP

LOCATION: ST. LOUIS, MO

FAX NUMBER: 314 - 862 - 1855

VERIFY BY CALLING SENDER

FROM:  
(SENDER) JOSE MACATANGAY

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

Dear Mr. Sampl:

Per your application dated 06/19/2009 & our pre-license site visit on 07/21/2009, please find the deficiencies to your application. Should you have any questions feel free to contact me.

Sincerely,  
Jose Macatangay  
Materials Licensing

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** | TIME | DATE  
**ACTUALLY FAXED?** Yes. 08/04/2009

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. If Must include*

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."**

*Consolidate  
Please!!!*

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.**

*Send the  
gauges  
store them  
@ the job site*

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>.

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**ACTION REQUIRED**

**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. 318184.**

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

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NAME OF PERSON DOCUMENTING CONVERSATION	SIGNATURE	DATE
Jose Macatangay	<i>Jose Macatangay</i>	August 4, 2009

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Granville White

Kwame Building Group

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