



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

APR 20 2010

Janine A. Todd
Radiation Safety Officer
Muskegon County Road Commission
7700 East Apple Avenue
Muskegon, MI 49442

Dear Ms. Todd:

Enclosed is Amendment No. 06 to your NRC Material License No. 21-21369-01 in accordance with your request. Please note that the changes made to your license are printed in **bold font**.

Please review the enclosed document carefully and be sure that you understand all conditions and changes made.

If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887.

At this time we were unable to approve your request to perform non-routine maintenance on your gauging devices because the information contained in your letter dated January 15, 2010, was insufficient to complete our review.

If you wish to pursue this request, please submit the information below as an appropriately signed (by a senior management official, not just initials) and dated written response, addressed to my attention, and referenced as "additional information to control number 318755" to facilitate proper handling. We will then continue our review.

Specifically, please provide procedures on how you will conduct the non-routine maintenance, giving special consideration to the manufacturer's recommendations. Please also submit responses to the information contained in Appendix G to NUREG 1556 Vol. 1, Rev. 1, entitled, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Portable Gauge Licenses. You should already have received at least one hard copy of this document mailed to you in 2001 when it was published. It can also be found on your website at:

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v1/r1/>

Also note, in the attachments to your letter dated January 15, 2010, in the Section titled "Proposed change," the following statement is made: "When the gauge is out getting maintenance, being cleaned, or leaked, I put a sign outside the door warning others...." This statement about the "gauge being leaked" does not make sense- please clarify what is meant by this.

J. Todd

In your letter dated January 15, 2010, you also requested to change the leak test frequency from a six-month interval to a "one year" leak test. This request is unnecessary. License Condition No. 13.A already allows leak tests to be performed at the interval specified by the certificate in the Sealed Source and Device Registry (SSDR) maintained by the NRC. Your vendors have these certificates for each of the sealed sources and devices that they distribute. The SSDR certificates for both devices authorized by your license specify a twelve-month interval between leak tests.

At this time, please note that we updated Condition No. 13.D and Condition No. 19. We also added Condition No. 13. F to your license. These changes should enhance your awareness of regulatory requirements and the radiation safety program elements in your license.

We now require a total possession limit for each radionuclide requested. This required us to update Subitem Nos. 8.A and 8.B to reflect possession limits based upon the information provided in your letter dated January 15, 2010 (with attachments). Condition No. 12 was also changed to reflect the added training requirements that were referred to in this same letter.

In addition, we noted that your letter dated January 15, 2010, contained much extraneous information that was not necessary for the amendment requested. Your letter contained highly prescriptive information in several sections where NUREG 1556 Vol. 1, Rev. 1 requests either very little or no response. But, as noted above, your letter did not contain the information we needed to complete our review of your request for non-routine maintenance on the gauging devices.

In the future, kindly refrain from submitting excessive and prescriptive information that is not needed to process your licensing requests. Submitting such information may also subject you to an unnecessary regulatory burden for compliance purposes. You may find good guidance to prepare licensing correspondence for your type of license in NUREG 1556, Vol. 1, Rev. 1, which can be found on our website at:

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v4/index.html>

If you have any questions or require clarification on any of the information stated above, you may contact us at (630) 829-9887; or you may contact me directly at (630) 829-9752; or you may contact Colleen Carol Casey at (630) 829-9841.

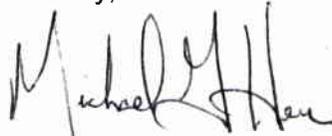
J. Todd

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). The NRC's document system is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in the General Statement of Policy and Procedure for NRC Enforcement Actions.

Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael G. Herr". The signature is written in a cursive style with a large initial "M".

Michael G. Herr, CHP
Materials Licensing Branch

License No. 21-21369-01

Docket No. 030-20574

Enclosure:

Amendment No. 06