



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

MAY 23 2010

David L. Weber
Radiation Safety Officer
Midwest Testing, Inc.
8606 Page Avenue
St. Louis, MO 63114

Dear Mr. Weber:

This refers to the letter dated February 16, 2010, requesting to change your Radiation Safety Officer to Andrew Taylor, and the letter dated April 2, 2010, concerning your proposed use of licensed materials at a temporary job site in Indiana.

We were unable to take final action upon either of these requests at this time because the information in these letters was insufficient to complete our review. If you wish to pursue these requests, please provide the information requested below, in writing, appropriately dated and signed by a senior management official, and address it to my attention as "additional information to control number 318857" in order to facilitate proper handling in our office. We will then continue our review.

In the meantime we are voiding this action, i.e., taking it out of our active database, in order to provide you with the ability to prepare a quality response. This is done without prejudice to re-submission.

Please contact me at (630) 829-9841 and advise me as to whether you are still performing the Radiation Safety Officer (RSO) duties while Mr. Taylor's request is pending. Please also note that the failure to have a qualified RSO on the license can have serious enforcement consequences.

Please submit Mr. Taylor's relevant radiation safety training and experience qualifications and a statement signed and dated by Mr. Taylor that he accepts the position as RSO and that he understands the duties and responsibilities associated with the RSO position.

You may wish to consult our portable gauge guidance document, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Portable Gauge Licenses (NUREG-1556, Volume 1, Revision 1)." A copy of this should have been sent to you in 2001 when it was issued or when you obtained your license, whichever occurred first. It is also available on our website at:

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

In this document, Section 8.7, Item 7 and Appendices D and E may be useful in preparing your response.

Please do not submit resumes, CV's, or personal, proprietary information that we must protect, in accordance with 10 CFR 2.390, such as social security

D. Weber

numbers, dates of birth, home addresses or phone numbers, college transcripts, etc.

Note that, as Mr. Taylor is unknown to us, and as he signed both of the letters above without having any previous “standing” with us, we were unable to ascertain his position within your company.

We take significant care to protect your license by verifying the identities and positions of persons with whom we do regulatory business.

Please also note that, if you were not intending to add a permanent storage location to your license in Hendricks County, Indiana, it was not necessary to submit the letter dated April 2, 2010, as no amendment to your license was appropriate.

Further, we would not consider your use of the licensed gauges in Indiana, an NRC state, as an “import” situation. “Importing” of gauges would take place between countries, not between states under NRC’s jurisdiction.

Please also be reminded of the provisions in 10 CFR 30.9(a), “Completeness and accuracy of information,” ...“(a) Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission’s regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects.”

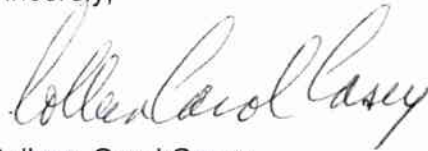
In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). The NRC's document system is accessible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

If you have any questions or require clarification on any of the information stated above, please contact me at (630) 829-9841 or at (630) 829-9500, ext. 9841.

D. Weber

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 cursive script that reads "Colleen Carol Casey".

Colleen Carol Casey
Materials Licensing Branch

License No. 24-24619-02
Docket No. 030-32036/24-24619-01 |