



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

JUL 14 2010

Elliott Sturgeon
Radiation Safety Officer
Indiana Department of Transportation
Vincennes District Office
3650 South U.S. Highway 41
Vincennes, IN 47591

Dear Mr. Sturgeon:

Enclosed is your NRC Material License No. 13-26343-01 in accordance with your request.

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate corrections and answers.

Your two letters dated April 12, 2010, and May 27, 2010, requested amendments to your byproduct materials license. The April 12, 2010, letter requested that Mark Fligor be removed as the Radiation Safety Officer (RSO) and that you be added as RSO. The letter dated May 27, 2010, asked that we name Kevin Day the RSO and you as the "temporary backup RSO," a position we do not authorize.

Please note that, at this time, we were unable to approve Kevin Day as the RSO of your byproduct materials license. This is because the information in your letter dated May 27, 2010, was insufficient to complete our review and authorize him as the RSO. Specifically, we need documentation indicating that Mr. Day has successfully completed the training he attended on May 20, 2010, in Chicago, to become a qualified RSO for this license, in accordance with the terms of your license.

However, we were able to approve you as the RSO at this time. You and I had a telephone conversation on July 12, 2010, discussing the duties and responsibilities of the RSO position and you confirmed that you accept and understand these duties and responsibilities. You also were previously the RSO for this license.

If you wish to pursue your request to have Mr. Day approved as your RSO, please submit the training information requested above, accompanied by a written statement signed and dated by Mr. Day that he accepts the position as RSO and that he understands the duties and responsibilities associated with the RSO position.

For future reference, it is best to submit a "Delegation of Authority" for your proposed RSO that is signed and dated by the proposed RSO and senior management. NUREG 1556 Vol. 1, Rev. 1, "Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Portable Gauge Licenses," can be found on our website at:

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v1/r1/sr1556v1r1.pdf>

and Appendix E in this document should be consulted for assistance in this regard.

E. Sturgeon

In addition, you requested to be approved as “temporary backup RSO” in your letter dated May 27, 2010. We do not allow two RSO’s to be listed on a license. However you can have an “Alternate RSO.” When submitting Mr. Day’s training documentation, please confirm that you will act as RSO only in the physical absence of the RSO, if you wish to serve as an “Alternate RSO” for this license.

When providing the information requested above, please address it to my attention, and reference it as “additional information to control number 319011.”

As a reminder, please provide the information requested in writing, accompanied by a transmittal letter that is appropriately dated and signed by a senior management official.

Please note that we modified your license by updating Subitem Nos. 7.A, 7.B, 8.A, and 8.B. We also added a new Condition No. 13. and 14.G. and we restored a designated, appropriately numbered Condition No. 17 to the license, that was inadvertently missing from Amendment No. 06, an error we regret. These changes should enhance your awareness of the radiation safety program elements in your license and our regulatory requirements.

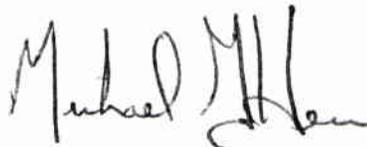
In accordance with 10 CFR 2.390 of the NRC’s “Rules of Practice,” a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the NRC’s Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

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.

E. Sturgeon

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" and "H".

Michael G. Herr, CHP
Materials Licensing Branch

License No. 13-26343-01
Docket No. 030-32465

Enclosure:
Amendment No. 07