

From: [Wilson, Scott](#)
To: chuck.klug@bayer.com
Subject: BAYER MATERIALSCIENCE, REQUEST FOR ADDITIONAL INFORMATION CONCERNING APPLICATION FOR AMENDMENT TO LICENSE, CONTROL NO. 585503
Date: Wednesday, December 31, 2014 8:00:00 AM
Importance: High

Docket No. 03014874
License No. 47-06773-02
Control No. 585503

Chuck Klug
Radiation Safety Officer
Bayer MaterialScience
P.O. Box 500
New Martinsville, WV 26155-0500

Dear Mr. Klug:

This is in reference to your application dated November 21, 2014 (application), requesting to amend Nuclear Regulatory Commission License No. 47-06773-02. In order to continue our review, we need the following additional information:

1. Your application did not include an adequate response regarding survey instruments.

Section 8.10.2 of NUREG-1556, Volume 4, requires, in part, that the applicant **state one of the following regarding survey meters:**

- a. A statement that, "Surveys according to 10 CFR 20.1501 will be performed by a person specifically authorized by the NRC or an Agreement State to perform these surveys."
- b. A statement that, "Surveys according to 10 CFR 20.1501 will be performed by a person specifically authorized by the NRC or an Agreement State to perform these surveys."

OR

- c. Submit a description of an alternative method to perform surveys according to 10 CFR 20.1501.

Note that survey instruments must be calibrated at frequencies not to exceed 12 months and that the calibration method must ensure sensitivity to the type and quantity of material being surveyed.

2. Your application did not provide an adequate response regarding gauge maintenance and operations.

Section 8.10.8 of NUREG-1556, Volume 4, requires, in part, that the applicant **submit either of the following regarding routine gauge maintenance:**

A statement that: "We will implement and maintain procedures for routine maintenance of our gauges according to each manufacturer's or distributor*s written recommendations and instructions."

OR

Alternative procedures for NRC's review.

AND

For non-routine operations: Submit either of the following:

A statement that: "The gauge manufacturer, distributor or other person authorized by NRC or an Agreement State will perform non-routine operations such as installation, initial radiation survey, repair, and maintenance of components related to the radiological safety of the gauge, gauge relocation, replacement, and disposal of sealed sources, alignment, or removal of a gauge from service."

OR

The information listed in Appendix N of NUREG-1556, Volume 4, supporting a request to perform this work "in-house."

3. Your application did not address the use of fixed gauges at temporary jobsites.

Section 8.10.10 of NUREG-1556, Volume 4, requires, in part, that the applicant **submit one of the following three alternatives:**

A statement that: "We will not use fixed gauges at temporary job sites."

OR

A statement that: "Procedures for use of fixed gauges at temporary job sites will be developed, implemented, maintained, and distributed and will meet the Criteria in the section entitled 'Radiation Safety Program - Fixed Gauges Used at Temporary Job Sites,' in NUREG-1556, Vol. 4, 'Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Fixed Gauge Licenses,' dated October 1998 and copies of these procedures will be provided to all gauge users."

OR

Alternative procedures for use of fixed gauges at temporary job sites.

4. Please note that applicants are not required to submit copies of their operating procedures; however, since you provided a copy of your Radiation Safety Compliance Program, we noted that Section 5.4 "Posting and Monitoring," contained an error. Item 5.4.2.2 states that "Caution, Area' shall be used for areas where exposure may be in excess of 5.0 mREM in any one hour." You may consult 10 CFR 20.1902 regarding the posting requirements for areas containing radioactive materials or radiation dose rates. No response is required for this item.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Licensee Toolkits, see our toolkit index page**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

We will continue our review upon receipt of this information. **Please reply to my attention at the Region I Office and refer to Mail Control No. 585503. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5136. You may reply via e-mail if you attach a scanned, signed response to the e-mail. We cannot accept a response unless it is a signed copy.**

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Thank you for your cooperation.

Scott Wilson
Health Physicist
Commercial, Industrial, R&D, and Academic Branch
Division of Nuclear Materials Safety
US Nuclear Regulatory Commission Region I
2100 Renaissance Boulevard, Suite 100
King of Prussia, PA 19406-2713
Phone: 610-337-5136
Fax: 610-337-5269