



May 29, 2015

Betsy Ullrich, Senior Health Physicist  
Commercial, Industrial, R&D and Academic Branch  
Division of Nuclear Materials Safety  
US NRC Region I Office  
2100 Renaissance Boulevard, Suite 100  
King of Prussia PA 19406

RE: Martin Engineering, PLLC  
License Renewal Application  
License No. 47-19081-01  
Docket No. 030-16037  
Control No. 586797

Dear Ms. Ullrich:

I am writing in response to your May 29, 2015 email request for verification that Martin Engineering, PLLC is committed to continuing the conditions for licensure as outlined in our previous correspondences and past renewals.

Martin Engineering, PLLC is absolutely committed to operating in full compliance with our past letters dated; January 7, 2005, April 29, 2013, and July 5, 2013. Additionally, we will/have develop, implement and maintain operating procedures, emergency procedures, and security procedures that include the topics in the revised Appendix H.

We take the ownership and operating these tool very seriously. We have an active safety program that includes regular reviews of the above-mention procedures. The safety and security of our employees, clients, and public are of paramount importance.

If you have any questions or require any additional information please do not hesitate to contact me. I greatly appreciate your help with this renewal application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Martin", is written over a light blue horizontal line.

Paul Martin, PE  
President



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
Washington, D.C. 20555-0001

**ERRATA**  
**July 5, 2005**

**Report Number:** NUREG-1556, Volume 1, Revision 1

**Report Title:** Consolidated Guidance About Materials Licenses, Program-Specific Guidance About Portable Gauge Licenses

**Prepared by:** Office of Nuclear Materials Safety and Safeguards  
Division of Industrial and Medical Nuclear Safety  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**Date Published:** November, 2001

**Instructions:** Please replace Appendix H with the attached pages.

Appendix H was revised to provide program guidance to portable gauge licensees regarding the security of specifically licensed portable gauges.

**Publishing Services Branch**  
**Office of the Chief Information Officer**



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

June 29, 2005

ALL PORTABLE GAUGE LICENSEES

SUBJECT: IMPLEMENTATION OF SECURITY REQUIREMENTS FOR PORTABLE GAUGES  
CONTAINING BYPRODUCT MATERIAL & ISSUANCE OF REVISED PROGRAM  
GUIDANCE (NUREG-1556 Vol. 1, Rev. 1)

On January 12, 2005, the Nuclear Regulatory Commission (NRC) issued an amendment to Title 10 Code of Federal Regulations (CFR) Part 30 governing the use of byproduct material in specifically licensed portable gauges. The final rule requires a portable gauge licensee to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever the portable gauges are not under the control and constant surveillance of the licensee. As stated in the *Federal Register* (70 FR 2001, dated January 12, 2005), this amendment to 10 CFR Part 30 will become effective July 11, 2005.

Additionally, NRC has developed new program guidance to assist licensees in implementing this new security rule. The new guidance will be issued as supplemental pages (errata sheets) to NUREG 1556 Volume 1, Revision 1, Consolidated Guidance About Materials Licenses; Program-Specific Guidance About Portable Gauge Licenses, dated November 2001. Copies of the errata sheets are enclosed. NUREG-1556, Volume 1, Revision 1 will also be available on the NRC website at: [http://www.nrc.gov/NRC/NUREG/SR1556/V1\\_REV1/index.html](http://www.nrc.gov/NRC/NUREG/SR1556/V1_REV1/index.html).

This letter is simply intended to bring the rule implementation schedule and revised guidance to your attention. No response to this letter is required. However, if you have questions regarding implementation and guidance, please contact: Michael K. Williamson, (301) 415-6234, e-mail: [mkw1@nrc.gov](mailto:mkw1@nrc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Scott W. Moore".

Scott W. Moore, Chief  
Rulemaking and Guidance Branch  
Division of Industrial and  
Medical Nuclear Safety  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: Appendix H, NUREG 1556,  
Vol. 1, Rev. 1

## **Appendix H**

# **Operating, Emergency, and Security Procedures**

## Operating Procedures

- If personnel dosimetry is provided:
  - Always wear your assigned National Voluntary Laboratory Accreditation Program (NVAP) approved thermoluminescent dosimeter (TLD), optical stimulated dosimeter (OSL), or film badge when using the portable gauge;
  - Never wear another person's TLD, OSL, or film badge;
  - Never store your TLD, OSL, or film badge near the portable gauge.
- Before removing the portable gauge from its place of storage, ensure that, where applicable, each portable gauge sealed source is in the fully shielded position and that in portable gauges with a movable rod containing a sealed source, the source rod is locked (e.g., keyed lock, padlock, mechanical control) in the shielded position. Place the portable gauge in the transport case and lock the case.
- Use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever the portable gauges are not under the licensee's control and constant surveillance (i.e., in storage). Guidance regarding this requirement is discussed below in the "Security Procedures" section of this Appendix.
- Sign out the portable gauge in a log book (that remains at the storage location) including the date(s) of use, name(s) of the authorized users who will be responsible for the portable gauge, and the temporary job site(s) where the portable gauge will be used.
- Block and brace the portable gauge to prevent movement during transport and lock the portable gauge in or to the vehicle. Follow all applicable Department of Transportation (DOT) requirements when transporting the portable gauge.
- Use the portable gauge according to the manufacturer's instructions and recommendations.
- Do not touch the unshielded source rod with your fingers, hands, or any part of your body.
- Do not place hands, fingers, feet, or other body parts in the radiation field from an unshielded source.
- Unless absolutely necessary, do not look under the portable gauge when the source rod is being lowered into the ground. If you must look under the portable gauge to align the source rod with the hole, follow the manufacturer's procedures to minimize radiation exposure.
- After completing each measurement in which the source is unshielded, immediately return the source to the shielded position.

- Always maintain constant surveillance and immediate control of the portable gauge when it is not in storage. At job sites, do not walk away from the portable gauge when it is left on the ground. Take action necessary to protect the portable gauge and yourself from danger of moving heavy equipment.
- When the portable gauge is not in use at a temporary job site, place the portable gauge in a secured storage location with two independent physical controls. Examples of two independent physical controls are: (1) securing the portable gauge in a locked storage facility located in a separate secured area in a warehouse; (2) securing the portable gauge inside a locked van and secured to the vehicle with a steel cable; (3) or storing the portable gauge inside a locked, nonremovable box and further securing the box with a steel cable or chain. If chains or cables are used as a method of providing security, one of the two chains or cables used, should be substantially more robust and more difficult to cut than the other. Simply having two chains or cables with locks would not satisfy the security rule unless each chain and lock combination were physically robust enough to provide both a deterrence and a reasonable delay mechanism.
- Always keep unauthorized persons away from the portable gauge.
- Perform routine cleaning and maintenance according to the manufacturer's instructions and recommendations.
- Before transporting the portable gauge, ensure that, where applicable, each portable gauge source is in the fully shielded position. Ensure that in portable gauges with a movable source rod, the source rod is locked in the shielded position (e.g., keyed lock, padlock, mechanical control). Place the portable gauge in the transport case and lock the case. Block and brace the case to prevent movement during transportation. Lock the case in or to the vehicle, preferably in a closed compartment.
- Return the portable gauge to its proper locked storage location at the end of the work shift.
- Log the portable gauge into the daily use log when it is returned to storage.
- If portable gauges are used for measurements with the unshielded source extended more than 3 feet beneath the surface, use piping, tubing, or other casing material to line the hole from the lowest depth to 12 inches above the surface. If the piping, tubing, or other casing material cannot extend 12 inches above the surface, cap the hole liner or take other steps to ensure that the hole is free of debris (and it is unlikely that debris will re-enter the cased hole) so that the unshielded source can move freely (e.g., use a dummy probe to verify that the hole is free of obstructions).
- After making changes affecting the portable gauge storage area (e.g., changing the location of portable gauges within the storage area, removing shielding, adding portable gauges, changing the occupancy of adjacent areas, moving the storage area to a new location), reevaluate compliance with public dose limits and ensure proper security of portable gauges.



- Make necessary and timely notifications to local authorities as well as to NRC as required. (Even if it is not required, you may report *any* incident to NRC by calling NRC's Emergency Operations Center at (301) 816-5100, which is staffed 24 hours a day and accepts collect calls.) NRC notification is required when portable gauges containing licensed material are lost or stolen, when portable gauges are damaged or involved in incidents that result in doses in excess of 10 CFR Part 20.2203 limits, and when it becomes apparent that attempts to recover a sealed source stuck below the surface will be unsuccessful.
- Reports to NRC must be made within the reporting time frames specified by the regulations.
- Reporting requirements to NRC are found in 10 CFR Parts 20.2201-2203 and 10 CFR Part 30.50.

### **Security Procedures**

NRC regulations require a portable gauge licensee to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever the portable gauge is not under the control and constant surveillance by the licensee.

**Note:** The NRC staff interprets "control and maintain constant surveillance" of portable gauges to mean being immediately present or remaining in close proximity to the portable gauge so as to be able to prevent unauthorized removal of the portable gauge.

The objective of the security guidance is to reduce the opportunity for unauthorized removal and/or theft by providing a delay and deterrent mechanism. By following this guidance, it will become more difficult and time-consuming to defeat security measures.

The following security requirements apply to portable gauge licensees regardless of the location, situation, and activities involving the portable gauge. **The security requirements apply to: (1) storage on vehicles; (2) storage at temporary facilities (e.g., residence, hotel, job site trailer); and (3) storage at permanent facilities.** At all times, licensees are required to either maintain control and constant surveillance of the portable gauge when in use and, at a minimum, use two independent physical controls to secure the portable gauge from unauthorized removal while in storage. The physical controls used must be designed and constructed of materials suitable for securing the portable gauge from unauthorized removal, and both physical controls must be defeated in order for the portable gauge to be removed. The construction and design of the physical controls used must be such that they will deter theft by requiring a more determined effort to remove the portable gauge. The security procedures used must ensure that the two physical barriers chosen clearly increase the deterrence value over that of a single barrier and the two physical barriers would make unauthorized removal of the portable gauge more difficult.

Using two chains is not the preferred method. To provide adequate security licensees are encouraged to use other combinations. The security rule permits the usage of two chains under certain circumstances in order to allow licensees flexibility; however, having two chains with locks would not satisfy the NRC's requirement unless each chain and lock combination used is physically robust enough to provide both a deterrence, and a reasonable delay mechanism. When two chains or cables are used, the second chain or cable should be substantially more robust and more difficult to cut than the first chain or cable.

If possible, the licensee should consider storing their portable gauges inside a locked facility or other non-portable structure overnight, instead of storage in a vehicle.

As long as the licensee maintains constant control and surveillance while transporting the portable gauges, the licensee need only to comply with the DOT requirements for transportation (e.g., placarding, labeling, shipping papers, blocking and bracing). However, if the licensee leaves the vehicle and portable gauge unattended (e.g., while visiting a gas station, restaurant, store), the licensee needs to ensure that the portable gauge is secured by two independent controls in order to comply with the requirements of 10 CFR Part 30.34(i)

While transporting a portable gauge, a licensee should not modify the transportation case if it is being used as the Type A container for transporting the device. This includes, but is not limited to, drilling holes to mount the case to the vehicle or to mount brackets or other devices used for securing the case to the vehicle. In order to maintain its approval as a Type A shipping container, the modified package must be re-evaluated by any of the methods described in 49 CFR Part 178.350 or 173.461(a). The re-evaluation must be documented and maintained on file in accordance with DOT regulations.

Physical controls used may include, but are not limited to, a metal chain with a lock, a steel cable with a lock, a secured enclosure, a locked tool box, a locked camper, a locked trailer, a locked trunk of a car, inside a locked vehicle, a locked shelter, a secured fenced-in area, a locked garage, a locked non-portable cabinet, a locked room, or a secured building. To assist licensees, some common scenarios are illustrated and examples of two independent physical controls are provided below.

### **Securing a Portable Gauge at a Licensed Facility**

Long term storage of a portable gauge is usually at a permanent facility listed in the license or license application. Routine storage of a portable gauge in a vehicle or at temporary or permanent residential quarters is usually reviewed and may be authorized by NRC or the applicable Agreement State during the licensing process. In accordance with NRC security regulations, when a portable gauge is stored at a licensed facility, the licensee would be specifically required to use a minimum of two independent physical

controls to secure the gauge.

**Examples of two independent physical controls used by to secure a portable gauge when stored at a licensed facility are -**

1. The portable gauge or transportation case containing the portable gauge is stored inside a locked storage shed within a secured outdoor area, such as a fenced parking area with a locked gate;
2. The portable gauge or transportation case containing the portable gauge is stored in a room with a locked door within a secured building for which the licensee controls access by lock and key or by a security guard;
3. The portable gauge or transportation case containing the portable gauge is stored inside a locked, non-portable cabinet inside a room with a locked door, if the building is not secured;
4. The portable gauge or transportation case containing the portable gauge is stored in a separate secured area inside a secured mini-warehouse or storage facility; or
5. The portable gauge or transportation case containing the portable gauge is physically secured to the inside structure of a secured mini-warehouse or storage facility.

**Securing a Portable Gauge in a Vehicle**

Regulations in 10 CFR Part 71 requires that licensees who transport licensed material, or who may offer such material to a carrier for transport, must comply with the applicable requirements of the United States Department of Transportation (DOT) that are found in 49 CFR Parts 170 through 189.

Licensees commonly use a chain and a padlock to secure a portable gauge in its transportation case to the open bed of a pickup truck, while using the vehicle for storage. Because the transportation case is portable, a theft could occur if the chain is cut and the transportation case with the portable gauge is taken. If a licensee simply loops the chain through the handles of the transportation case, a thief could open the transportation case and take the portable gauge without removing the chain or the case. Similarly, because the transportation case is also portable, it must be protected by two independent physical controls if the portable gauge is inside. A lock on the transportation case, or a lock on the portable gauge source rod handle, is not sufficient because both the case and the gauge are portable.

A vehicle may be used for storage, however, it is recommended by NRC and DOT that this practice only be used for short periods of time or when a portable gauge is in

transit. A portable gauge should only be kept in a vehicle overnight if it is not practicable to provide temporary storage in a permanent structure. When a portable gauge is being stored in a vehicle, the licensee is specifically required to use a minimum of two independent physical controls to secure the portable gauge.

**Examples of two such independent physical controls approved by NRC to secure portable gauges in this situation are --**

1. The locked transportation case containing the portable gauge is physically secured to a vehicle with brackets, and a chain or steel cable (attached to the vehicle) is wrapped around the transportation case such that the case can not be opened unless the chain or cable is removed. In this example, the locked transportation case would count as one control because the brackets would prevent easy removal of the case. The chain or cable looped only through the transportation case handle is not acceptable;

2. The portable gauge or transportation case containing the portable gauge is stored in a box physically attached to a vehicle, and the box is secured with (1) two independent locks; (2) two separate chains or steel cables attached independently to the vehicle in such a manner that the box cannot be opened without the removal of the chains or cables; or (3) one lock and one chain or steel cable is attached to the vehicle in such a manner that the box cannot be opened without the removal of the chain or cable; or

3. The portable gauge or transportation case containing the portable gauge is stored in a locked trunk, camper shell, van, or other similar enclosure and is physically secured to the vehicle by a chain or steel cable in such a manner that one would not be able to open the case or remove the portable gauge without removal of the chain or cable.

### **Securing a Portable Gauge at a Temporary Jobsite or at Locations Other Than a Licensed Facility**

When a job conducted requires storage of a portable gauge at a temporary jobsite or at a location other than a licensed facility, the licensee should use a permanent structure for storage, if practicable to do so. When storing a portable gauge in temporary or permanent residential quarters, the licensee should limit access by storing the gauge in a separate room away from residents and other members of the public. The licensee must also meet the radiation exposure limits specified in 10 CFR Part 20. When a portable gauge is stored at a temporary jobsite or at a location other than an authorized facility, the licensee is required to use a minimum of two independent physical controls to secure the portable gauge.

**Examples of two independent physical controls to secure portable gauges at these locations are --**

1. At a temporary job site, the portable gauge or transportation case containing the portable gauge is stored inside a locked building or in a locked non-portable structure (e.g., construction trailer, sea container, etc.); and is physically secured by a chain or steel cable to a non-portable structure in such a manner that an individual would not be able to open the transportation case or remove the portable gauge without removing the chain or cable. A lock on the transportation case or a lock on the portable gauge source rod handle would not be sufficient because the case and the portable gauge are portable;

2. The portable gauge or transportation case containing the portable gauge is stored inside a locked room within temporary or permanent residential quarters, and is physically secured by a chain or steel cable to a permanent or non-portable structure (e.g., large metal drain pipe, support column, etc.) such that an individual would not be able to open the transportation case or remove the portable gauge without removing the chain or cable;

3. The portable gauge or transportation case containing the portable gauge is stored in a locked garage, and is within a locked vehicle or is physically secured by a chain or steel cable to the vehicle in such a manner that an individual would not be able to open the transportation case or remove the portable gauge without removing the chain or cable; or

4. The portable gauge or transportation case containing the portable gauge is stored in a locked garage, and is within a locked enclosure or is physically secured by a chain or steel cable to a permanent or non-portable structure in such a manner that an individual would not be able to open the transportation case or remove the portable gauge without removing the chain or cable.

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