Lawyer, Dennis

From: Lawyer, Dennis
Sent: Monday, November 30, 2015 1:46 PM
To: 'fernandocortes@ferrovial.com'
Subject: Ferrovial Agroman, S.A., Request for Additional Information Concerning Application for a License Amendment, Control 589163

Ferrovial Agroman, S.A., Request for Additional Information Concerning Application for a License Amendment, Control 589163

Dear Mr. Cortes,

This is in reference to your letter dated 10/14/2015, requesting for amendment to Nuclear Regulatory Commission License No. 52-31107-01, Docket No. 03037094. In order to continue our review, we need the following additional information:

1. You have requested for addition of your, "Use, Management, and Transport of Equipment with Radioactive Sources Procedure," to be included as a basis to your license. On the cover of your procedure you stated that this document may contain property of confidential information also that this document may not be reproduced. NRC does have the authority to reproduce and publicly publish as required by its internal policies. If there is something of a proprietary information, you must submit and affidavit and follow 10 CFR 2.390. At this time, you have the right to request this information back or destroyed and it will be removed from our docket. Submittal of this document is not a requirement of your license. Once the procedure is accepted and annotated on your license, you may not change any statements, representations, and procedures contained in this document without amendment of the license. Please request for the procedure to be returned; that it is not proprietary and we may publish/reproduce as required by NRC policies; or follow 10 CFR 2.390 to claim it proprietary.

2. Your procedure, "Use, Management, and Transport of Equipment with Radioactive Sources Procedure," has many areas where we did not understand what is written and some places where it is contrary to regulation. We have looked at the Spanish version of the procedure and it did not help our understanding. The following are areas that need addressed before acceptance:

    a. Table of Contents 8.5: title is different than the title from that section. "out of place" response organizations in not understood.

    b. Section 1 Purpose: you call the Nuclear Regulatory Commission the National Regulation Commission. This error is in several other places in the procedure. No others will be listed in this request. Please correct these throughout the procedure.

    c. Section 2, Scope: procedure states it covers radio frequency transmitter equipment which is a radio not a nuclear densometer. https://en.wikipedia.org/wiki/Nuclear_densometer

    d. Section 3, References: Reference 3.1 should state, Volume 1 after NUREG-1556.

    e. Section 3, References: Need to include NUREG-1556, Volume 1 Errata: Appendix H, "Operating, Emergency, and Security Procedures"

    f. Section 4, Definitions: The definition of Corrective Action is unclear.

g. Section 4, Definitions: Regulatory Authority: The use of the words “complying” and “competency” is inaccurate.

h. Section 4, Definitions: Authorized Staff states the date of the last license amendment. This date will change as changes to the license are made, thus this statement will be inaccurate with the next amendment.

i. Section 4, Definitions: Qualified Expert: the Word “organs” in the definition does not make sense.

j. Section 4, Definitions: Exposure: The word “sickness” should not be in this definition.

k. Section 4, Definitions: Source: The word “sickness” should not be in this definition.

l. Section 4, Definitions: Geiger Muller: The statement, “It is an ionization camera, proportional counter,” is inaccurate.

m. Section 4, Definitions: Dosimetric Calibration Laboratory: The word “patterns” is not understood and probably should be “standard.”

n. Section 4, Definitions: Annual Limit of intake: “Smallest recommended” value is not understood.

o. Section 4, Definitions: Radionuclide of Cesium: For use in your gauges it is a solid source of 8 mCi, but it is not a definition of the radionuclide. It does not disintegrate is 30 years but has a half-life of approximately 30 years. The same comment apples to Radionuclide of Americium.

p. Section 4, Definitions: Responsible of Radiation Safety. It is unclear who you are trying to define, the authorized user or the Radiation Safety Officer.

q. Section 4: Definitions: Total Effective Dose Equivalent, “compromised” I believe should be committed.

r. Section 5.4: Radioactive Safety Officer should be Radiation Safety Officer. The National Regulation commission should be the Nuclear Regulatory Commission.

s. All references to NUREG 1556, should include: “Volume 1” as part of the reference.

t. Section 5.5 Competent Person Designated for Radiation Safety: NUREG-1556, Volume 1 never discusses a competent Person thus this should be spelled out to whom has these responsibilities.

u. Section 5.6: it is unclear why the word “vigilance” is used. I am not clear what a metal crate is. It is suggested to include a picture of your equipment.

v. Section 6.2.1: It is unclear what is meant by “bunker.” There is no bunker shown in figure 1 nor a visible radiation warning sign. The area needs to have two locks which need to be explicitly stated.

w. Section 6.2.2: This section references two forms which are not contained in the procedure, Please provide a copy of the forms for review.

x. Section 6.3.2: It is not recommended to transport a nuclear gauge in the cab. It is unclear what the surface dose rate is being recorded as it is not required on the package.

y. Section 6.4.1.a.: Use of the term calendar trimester is not understood. Perhaps it is calendar quarter? The 3 Rem per calendar trimester contradicts the value listed in Table 2.

z. Section 6.4.1.b.: This section does not state dose limits for minors. It is unclear what laboratories are needed when working with your material.

aa. Section 6.4.1.c: This section is contrary to regulation. Declared Pregnant Worker is a choice of the pregnant woman.

bb. Table 3: It is unclear why Seamens, CPN, or Humbolt densometer is included as it is not on your license. It is unclear why there are different frequencies for obtaining dosimeter results.

cc. Section 6.4.1.e: It is unclear why you have a limit of research. It appears to be a dose action level. It is unclear what is meant by elevate the limits of investigation. Dosimeters do not control dose only measure it. Radiation Ionizer appears to be a bad translation.

dd. Section 6.4.2: It is not understood the term “delimitation” and “capsule” in this paragraph. The Geiger Muller monitor will never reach zero as there is always background activity.

ee. Table 4 basis is unclear and appears to be contrary to 10 CFR 20.1301(a)(2).

ff. Section 6.5.1(1)(2) is rem not reales.

gg. Table 7: Please state the basis or provide how levels were obtained.

hh. Table 8: This does not appear to be consistent with Sealed Source and Device registry in Table 9. The headings are believed to be “Dose Rate at” instead of “Dosage Rate to.”

ii. Section 7.2: Please explain what dual-pass means.

jj. Section 7.4: Typographical error on first line, “Life” should be “Lift.” Please state the requirement where that the package dose rate is recorded on the labels. Please state the pertinent documents that should be taken.

kk. Section 7.5.1: Are you requiring blood tests every three months, if so please state the basis.

ll. Section 7.6: Warning-Radiation Area. A radiation area is defined in 10 CFR 20.1001 to be greater than 5.0 mRem in any one hour. The Higher radiation area is greater than 100 mRem in any one hour.

mm. Figure 5 states the date on the dosimeter is the date of expiration. This date as I understand it is the manufacturer date for that type of dosimeter. Also through the procedure, it described use of film badge which the dosimeter pictured is not a film badge.

nn. Section 10: You are not authorized to calibrate dosimeters or radiation monitors so the first bullet in section 10 is unclear.

3. In your letter, you had committed to follow the NUREG-1556, Volume 1 Errata: Appendix H, "Operating, Emergency, and Security Procedures." However, many items listed in Appendix H was not included in your procedure either directly or indirectly. Please review Appendix H and amend your procedures to ensure all elements of Appendix H is included. Alternately, you may just commit to using NUREG-1556, Volume 1 Errata: Appendix H, "Operating, Emergency, and Security Procedures" and not submit the procedure.

We will continue our review upon receipt of this information. Please reply to my attention at the Region 1 Office (Address below) and refer to Mail Control No. 589163. If you have technical questions regarding this letter, please call me at (610) 337-5366.

Please note that you may not reply to this letter by return e-mail. Your reply must be in writing by letter, facsimile (610-337-5269), or signed letter attached to an email. If we do not receive a reply from you within 30 calendar days from the date of this e-mail, we will assume that you do not wish to pursue your application.

Region 1 Office Mailing Address: Licensing Assistance Team, US Nuclear Regulatory Commission Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406-2713.

Dennis Lawyer
Health Physicist
U.S. Nuclear Regulatory Commission
Division of Nuclear Material Safety
610-337-5366
610-337-5269 (F)