



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

APR 21 2016

Valeriia Starovoitova, Ph.D.
Radiation Safety Officer
Niowave, Inc.
1012 North Walnut Street
Lansing, MI 48906-5061

Dear Dr. Starovoitova:

Enclosed is Amendment No. 03 to your NRC Material License No. 21-35145-01 in accordance with your request regarding the Radiation Safety Officer. Please note that the changes made to your license are printed in **bold** font.

In the amendment request, you asked to be authorized for the use of source material in readily dispersible form. We have reviewed your request and concluded that additional information is needed to complete our review. On April 12, 2016, we discussed our questions with you, Dr. Terry Grimm, President and Senior Scientist and Mr. Jerry Hollister, Chief Operating Officer, via a telephone conference. In summary, we discussed the following areas: 1) the scope of use of the requested readily dispersible source material; 2) the facilities and equipment, and engineering and administrative controls, required for the requested material (see NUREG-1556, Volume 7, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Academic, Research and Development, and Other Licenses of Limited Scope," Section 8.9 and Appendix K); 3) the names of authorized user(s) and their training and experience in the use of the requested material (see NUREG-1556, Volume 7, Sections 8.7. and 8.8.); 4) the roles and responsibilities of the Assistant Radiation Safety Officer; and 5) an update to your application with the most current information regarding the organizational diagram, the new Radiation Safety Officer, and the radiation safety training instructor.

Based on the telephone conference on April 12, 2016, and your subsequent emails, your company plans to meet with the NRC staff in the Region III office, Lisle, Illinois, in May 2016 to discuss the additional information needed to complete the review of your request and will provide an official response in writing at a later time. Therefore, we have not added the requested source material in readily dispersible form to your license at this time. We will continue our review of your amendment request upon completion of the licensing meeting and receipt of your response to a request for information.

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.

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

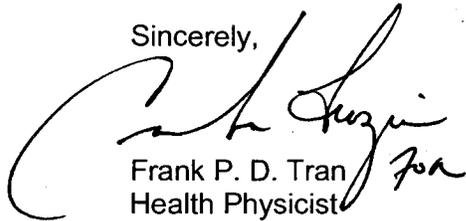
and Procedure for NRC Enforcement Actions.

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.

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/regulatory/enforcement/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.

In accordance with Title 10 Code of Federal Regulations 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>.

Sincerely,



Frank P. D. Tran
Health Physicist
Materials Licensing Branch

License No. 21-35145-01
Docket No. 040-38369

Enclosure: Amendment No. 03