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**Subject:** OPTIMUM CONSTRUCTION LAYOUT - MATERIALS TESTING, REQUEST FOR ADDITIONAL INFORMATION CONCERNING NEW LICENSE APPLICATION FOR PORTABLE GAUGES, CONTROL NO. 592798  
**Date:** Wednesday, February 01, 2017 10:45:00 AM

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Docket No. 03039022  
License No. 44-35402-01  
Control No. 592798

Richard LaFoe, President  
Optimum  
193 Gosselin Dr.  
Derby, VT 05829

**SUBJECT: OPTIMUM CONSTRUCTION LAYOUT – MATERIALS TESTING, REQUEST FOR ADDITIONAL INFORMATION CONCERNING NEW LICENSE APPLICATION FOR PORTABLE GAUGES, CONTROL NO. 592798**

Dear Mr. LaFoe:

Please reply to this email to confirm receipt.

This is in reference to your application dated December 28, 2016, requesting a Nuclear Regulatory Commission license to possess and use portable gauges. In order to continue our review we need the following additional information:

- 1) NUREG-1556 Vol. 1, Revision 2, “Consolidated Guidance About Materials Licenses: Program Specific Guidance About Portable Gauge Licenses,.” Section 8.2 requires you to provide the legal name of the corporation. You did not provide this in Item 2 of your application. Please provide the legal name of your company.
- 2) NUREG-1556 Vol. 1, Revision 2, Section 8.2 requires you to provide the mailing address where correspondence should be sent. We noticed that the address provided in Item 2 of your application does not match the address on the letter head in the attachment. Please confirm the correct mailing address for the company.
- 3) In Items 5 and 6 of your application you request a maximum source activity of 8 mCi for Cs-137. According to the SS&D sheet for the Troxler 3440 Model the Cs-137 source use is 8 mCi +/- 10%. Your license will reflect a maximum source activity on 9 mCi in order to meet the specifications of the SS&D. No response is required in response to this item.
- 4) NUREG-1556 Vol. 1, Revision 2, Section 8.3 states that the applicant should provide “Specification of whether they intend to use the portable gauge at temporary jobsites.” Please confirm whether or not you intend to use the portable gauges at temporary jobsites.
- 5) NUREG-1556 Vol. 1, Revision 2, Section 8.9 states that you need to provide a facility diagram for each permanent portable gauge storage location. Include on the

diagram the use of adjacent areas (including above and below) and information relevant to public dose and security. Please provide a diagram of the proposed storage location.

- 6) NUREG-1556 Vol. 1, Revision 2, Section 8.10.3 discusses Material Receipt and Accountability. Your application states that you will complete an inventory of gauges every 6 months however you do not include a statement that “We will develop, implement, and maintain procedures for ensuring accountability of licensed material” as stated in Section 8.10.3. Please make this statement.
- 7) NUREG-1556 Vol. 1, Revision 2, Section 8.10.6 discusses Operating, Emergency and Security Procedures. In your application you mention that you will develop maintain and implement Company Operating and Emergency Procedures. Please provide one of the additional sets of information: 1) a statement that “We will implement and maintain the operating, emergency, and security procedures in Appendix G to NUREG 1556, Volume 1, Revision 2, “Consolidated Guidance About Materials Licenses: Program Specific Guidance About Portable Gauge Licenses.” Copies of these procedures will be provided to all gauge users and will be available at each jobsite.” 2) a statement that “Operating, emergency, and security procedures will be developed, implemented, and maintained and will meet the criteria in Section 8.10.6 “Radiation Safety Program – Operating, Emergency, and Security Procedures,” NUREG 1556, Volume 1, Revision 2, “Consolidated Guidance About Materials Licenses: Program Specific Guidance About Portable Gauge Licenses.” Copies of these procedures will be provided to all gauge users and will be available at each jobsite.” or 3) provide your alternative procedures and the statement, “Copies of these procedures will be provided to all gauge users and will be available at each jobsite.”
- 8) NUREG-1556 Vol. 1, Revision 2, Section 8.10.7 discusses Leak Tests. Your application does not address who will be performing the leak test. Please confirm that either 1) Leak tests will be performed by an organization licensed by the NRC or an Agreement State to provide leak testing services to other licensees or by using a leak test sample kit supplied by an organization licensed by the NRC or an Agreement State to provide leak test kits and/or sample analysis services to other licensees and according to the kit supplier’s instructions or 2) That you will implement the model leak test program published in Appendix I of NUREG 1556 Volume 1, Revision 2, “Consolidated Guidance About Materials Licensees: Program Specific Guidance About Portable Gauge Licenses.
- 9) NUREG-1556 Vol. 1, Revision 2 Section 8.10.8 discusses Maintenance. This section states that for nonroutine maintenance you must submit either of the following: 1) The gauge manufacturer, or other person licensed by the NRC or an Agreement State will perform nonroutine maintenance or repair operations that require detaching the source or source rod from the gauge; or 2) a request to perform this work “in house” using the information in Appendix F of NUREG 1556 Volume 1, Revision 2, “Consolidated Guidance About Materials Licensees: Program Specific Guidance About Portable Gauge Licenses to support your request.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://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. 592798. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5366.

In order to continue prompt review of your application, we request that you submit your response to this letter by March 1, 2017.

Thank you for your cooperation.

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