



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

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

December 11, 2020

Rebecca M. Kuykendall  
Sr. Corporate EHS Manager / Corporate RSO  
U.S. Silica Company  
24275 Katy Freeway, Ste. 100  
Katy, TX 77494

Dear Ms. Kuykendall:

This letter is in reference to your request dated October 21, 2020, for an amendment to your U.S. NRC Materials License No. 12-35194-01.

The NRC's guidance document for your type of license, which I will be referring to below as "the guidance", is NUREG-1556, Volume 4, Rev. 1, dated July 2016, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses." This guidance is available on the NRC Web site at:

<https://www.nrc.gov/docs/ML1618/ML16188A048.pdf>

Upon review of your request, I identified the following areas requiring additional or clarifying information:

1. The guidance states that the appointed Radiation Safety Officer (RSO) must have adequate training and experience. This is necessary so that the RSO understands the hazards and is familiar with the regulations concerning the licensed radioactive material.

Your request identified that the proposed RSO completed a Radiation Safety Officer Course for Fixed Gauges Users from Radiation Solutions. The certificate of completion identifies that the course completed was offered in an eLearn format. It is not apparent that provision of supervised hands-on training in a virtual or online format is possible. If applicable, describe how the supervised hands-on training was provided.

Otherwise, it appears that completion of additional training and experience that includes supervised hands-on instruction is needed. It is understandable that some flexibility may be needed to allow you to complete this training during the COVID-19 Public Health Emergency. One such flexibility that might be considered is the provision of this training with the assistance of a visiting manufacturer's representative (i.e., Service Engineer) or a member of your staff who is qualified as an Authorized User of fixed gauging devices. Please submit documentation of the completion of supplemental training and experience addressing supervised hands-on instruction.

Please refer to 10 CFR §30.33(a)(3) and Section 8.7.1, "Radiation Safety Officer," of the guidance for additional information.

2. The RSO is responsible for the oversight of licensed operations on a day-to-day basis. The RSO must have the organizational authority and management prerogative to enforce appropriate radiation protection rules, standards, and practices.

Your request did not include documentation signed both by a management representative and the proposed RSO. Such documentation should acknowledge the appointment of the individual to the position of RSO, acceptance of the associated duties of that position and confer the management authority for carrying out those duties.

Please submit documentation supporting the appointment of the proposed RSO. You may use the Model Delegation of Authority to the Radiation Safety Officer in Appendix C, "Typical Duties and Responsibilities of the Radiation Safety Officer," from the guidance. The completed Delegation of Authority for the proposed RSO should be signed by the appointed individual and a management representative. Include the printed name, title and date for each individual signing.

To continue the review of your amendment request, please provide a written response to this letter by December 31, 2020. Your response must be dated and signed by a licensee's representative and please reference Mail Control Number 623439 in the response. To expedite the licensing process, you may fax your response to (630) 515-1078. If you have any questions or require clarification on any of the information stated above, you may contact me at (630) 829-9737 or [Jason.Kelly@nrc.gov](mailto:Jason.Kelly@nrc.gov).

In accordance with Title 10 of the *Code of Federal Regulations* Section 2.390 of the U.S. Nuclear Regulatory Commission's (NRC) "Rules of Practice," a copy of this letter 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,

Jason M. Kelly, MPH  
Health Physicist  
Materials Licensing Branch

License No. 12-35194-01  
Docket No. 030-38792  
Control No. 623439