



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

October 29, 2021

Graham L. Donahue
Quality Control Manager
Bacco Construction Company
P.O. Box 458
Iron Mountain, MI 49801

Dear Mr. Donahue:

This letter is in reference to your application dated September 28, 2021, requesting the renewal of U.S. Nuclear Regulatory Commission (NRC) Materials License No. 21-26308-01.

The NRC's guidance document for your type of license, which I refer to throughout this letter as "the guidance", is NUREG-1556, Volume 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Portable Gauge Licenses." The latest revision was published on June 2016 and is accessible at: <https://www.nrc.gov/docs/ML1617/ML16175A375.pdf>.

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

1. NRC Form 313, "Application for Materials License," indicates that the license application should be prepared following the instructions provided in the current volume of NUREG-1556, "Consolidated Guidance About Materials Licenses."

Your application was not prepared in accordance with the guidance and did not include any supporting documentation. Please understand that each renewal application is evaluated independently of any previously approved radioactive materials license.

Therefore, please resubmit your application providing all supporting documentation as indicated in the guidance. You may use Appendix B, "Suggested Format for Providing Information Requested in Items 5 through 11, of the U.S. NRC Nuclear Regulatory Commission Form 313," to prepare your revised application. Further information regarding completion of the license application may be found in the guidance, including Section 8, "Contents of an Application," of the guidance.

2. Section 8.7.1, "Radiation Safety Officer," of the guidance identifies that the Radiation Safety Officer (RSO), is responsible for the oversight of licensed operations. The RSO must have sufficient organizational authority and management prerogative to enforce appropriate radiation protection rules, standards, and practices.

To formally establish the organizational authority of your office, please submit a current Delegation of Authority signed by a management representative. A model Delegation of Authority is provided in Appendix D, "Typical Duties and Responsibilities of the Radiation Safety Officer," of the guidance.

3. Section 8.13, "Item 13: Certification," of the guidance specifies that a representative of the legal entity filing the application must sign and date the [NRC Form 313, "Application for Materials License."](#)

Your application included a digital signature that was not verifiable.

Therefore, please resubmit the application bearing an original signature. If you elect to apply a digital signature, please ensure that it is a verifiable digital signature.

In accordance with Title 10 Code of Federal Regulations §2.390 of the NRC's "Rules of Practice," a copy of this letter will be made 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 <https://www.nrc.gov/reading-rm/adams.html>.

To continue review of your application, I request that you submit your response to this letter within 20 calendar days from the date of this letter. In your response, please refer to the license, docket, and control number specified below. I will assume that you do not wish to further pursue this licensing action if I do not receive a reply within the specified timeframe noted above.

If you have questions, require additional time to respond, or require clarification on any of the information stated above, I encourage you to contact me at Jason.Kelly@nrc.gov or at (630) 829-9737.

Sincerely,

Jason M. Kelly, MPH
Health Physicist
Materials Licensing Branch

License No. 21-26308-01
Docket No. 030-32149
Control No. 628701