UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

March 4, 2022

Sarah Whiting, P.E.
Radiation Safety Officer
Rowe Professional Services Company
540 S. Saginaw St., Ste. 200
Flint, MI 48502

Dear Ms. Whiting:

I am reviewing your application dated November 30, 2021, in which you requested the renewal of U.S. Nuclear Regulatory Commission (NRC) Materials License No. 21-24710-01.

The NRC's guidance document for your proposed type of license, which I refer to below as "the guidance", is NUREG-1556, Volume 1, Rev. 2, dated June 2016, "Consolidated Guidance About Materials Licenses - Program Specific Guidance About Portable Gauge Licenses." This guidance is available on the NRC Web site 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 adequately address all required items. Therefore, you may revise and resubmit your application using Appendix B, "Suggested Format for Providing Information Requested in Items 5 through 11, of the U.S. NRC Nuclear Regulatory Commission Form 313," from the guidance.

   Additional items in this letter address the specific areas in which additional or clarifying information is requested. Further information regarding completion of the license application may be found in 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 8.8.1, “Authorized Users,” of the guidance, states that individual gauge users must have adequate training and experience in the use of portable gauging devices. Acceptable training and experience may include either:

   - the completion of a portable gauge manufacturer’s course for users and hands-on training in the use of portable gauges; or
   - an equivalent course that meets the criteria in Appendix C of the guidance.

   Your application identifies that authorized users will complete a Nuclear Gauge Safety Training Class. Though, your application does not indicate whether your authorized users will complete a manufacturer’s course or an equivalent course.

   Clarify if your authorized users will attend a manufacturer’s course or an equivalent course meeting the criteria in Appendix C of the guidance. In addition, please confirm that you will maintain training records for 3 years following the last use of licensed material by the authorized user.

4. Section 8.9, “Facilities and Equipment,” of the guidance identifies that applicants must provide a facility diagram for each permanent portable gauge storage location.

   Your application did not include a facility diagram or drawing of your facilities.

   Please submit a facility diagram of each permanent storage site. Identify all entrances and points of access, rooms, uses of the rooms, the location of the gauge storage area and its distance from occupied work areas. Also, describe and label all adjacent areas to your facility (parking lot, neighboring buildings, streets, etc.). If your facility is a multistory and/or multitenant building, identify all floors and their uses, including areas occupied by other tenants. If the gauges are stored in a cabinet or similar container, submit a diagram and description of the container.

   Please do not submit blueprints or copies of blueprints. Simple, hand – drawn diagrams are best.

   As depicted in Figure 8-4, “Storing Gauges,” of Section 8.10.5 of the guidance, gauges should be stored away from occupied areas. Further, Title 10 Code of Federal Regulations (10 CFR) §30.34(i) requires that portable gauges must be secured against unauthorized removal using a minimum of two independent physical controls that form tangible barriers.

5. Section 8.10.3, “Material Receipt and Accountability,” of the guidance states that licensed materials must be tracked “from cradle to grave” to ensure gauge accountability; identify when sealed sources/gauges could be lost, stolen, or misplaced; and ensure that possession limits listed on the license are not exceeded.

   Your application includes a commitment to perform physical inventories every 6 months and to maintain records of the receipt, transfer and disposal of portable gauging devices for at least three years.

   Record retention intervals vary for each of the records described above. For example, records of disposal of license material must be maintained until the U.S. NRC terminates your license. Refer to Table 8-1, “Record Maintenance,” located in Section 8.10.3 of the

guidance for a summary of the related retention intervals. To ensure compliance with 10 CFR §30.51, "Records," you may consider including an equivalent summary table in your procedure. No response to this item is necessary unless revisions to your procedures are made to address it.

6. Section 8.10.6, "Operating, Emergency and Security Procedures," of the guidance states that applicants must develop, implement, and maintain Operating, Emergency, and Security (OE&S) Procedures.

   Your application does not include complete OE&S Procedures, which should include all of the following components:

   - Instructions for using the portable gauge and performing routine maintenance according to the manufacturer's recommendations and instructions;
   - Instructions for maintaining security during storage and transportation;
   - Instructions to keep the gauge under control and constant surveillance during field operations;
   - Steps to take to keep radiation exposures ALARA;
   - Steps to maintain accountability during use;
   - Steps to control access to a damaged gauge; and
   - Steps to take and whom to contact when a gauge has been damaged

   Acceptable procedures are included in Appendix G, "Operating, Emergency and Security Procedures," of the guidance. In your response, you may state that you will implement and maintain the aforementioned procedures, or you may state that you will develop, implement and maintain equivalent procedures satisfying the criteria identified in Section 8.10.6 of the guidance. You may also respond by resubmitting your OE&S Procedures, expanding on the level of detail and including all required components.

7. Section 8.10.8, "Maintenance," of the guidance identifies that nonroutine maintenance or repair (beyond routine cleaning and lubrication) that involves detaching the source or source rod from the device, and any other activities during which personnel could receive radiation doses exceeding NRC limits, must be performed by the gauge manufacturer or a person specifically authorized by the NRC or an Agreement State.

   Your application states that maintenance or repair that involves removing the source from the nuclear gauge or taking the source out of the "safe" shielded position must be authorized.

   Your statement is vague and appears to contradict other statements made elsewhere in your maintenance procedure. Please revise your application and submit either of the following:

   - the statement: "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
   - a request to perform this work "in-house," using the information in Appendix F of this NUREG to support the request.

8. Section 8.13, “Item 13: Certification,” specifies that a representative of the legal entity filing the application must sign and date the NRC Form 313, “Application for Materials License.” The representative signing the application must be authorized to make binding commitments and to sign official documents on behalf of the applicant (i.e., a certifying official).

   You signed the submitted application for license renewal. Though, your title is not recognized as that of a certifying official (i.e., President, Director or Manager).

   Therefore, please revise and submit the application bearing the signature of a certifying official. For additional information, you may refer to Chapter 3, “Management Responsibility,” of the guidance.

In accordance with 10 CFR §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 30 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,

Digitally signed by Jason M. Kelly
Date: 2022.03.04 13:41:43 -06'00'
Adobe Acrobat version: 2021.007.20099

Jason M. Kelly, MPH
Health Physicist
Materials Licensing Branch

Docket No.: 030-29228
License No.: 21-24710-01
Control No.: 629343