



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

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

July 25, 2023

David W. Hohmeyer  
President and Radiation Safety Officer  
Soils and Structures, Inc.  
6480 Grand Haven Rd.  
Muskegon, MI 49441

Dear Mr. Hohmeyer:

This letter is in reference to your application dated March 27, 2023, for the renewal of your U.S. Nuclear Regulatory Commission (NRC) Materials License No. 21-26469-01.

The U.S. NRC's guidance document applicable to your license 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 U.S. NRC website at: <https://www.nrc.gov/docs/ML1617/ML16175A375.pdf>

Upon review of the request, 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 current 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 Officers," of the guidance identifies that licensees must notify the U.S. NRC and obtain a license amendment before making changes in the designation of the RSO responsible for the radiation safety program.

In your application, you stated the following: "Before being named as the RSO, future RSOs will have successfully completed one of the training courses described in Criteria in the section entitled 'Individual(s) Responsible for Radiation Safety Program and their Training and Experience – Radiation Safety Officer' in NUREG-1556, Vol. 1, 'Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Portable Gauge Licenses,' dated November 2001."

Your statement is not acceptable as a license amendment is needed before making changes in the designation of the RSO. Please revise and resubmit your application with a statement confirming that a change in the designated RSO will be made only after obtaining a license amendment.

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.

Your application states: "Before using licensed materials, authorized users will have successfully completed one of the training courses described in Criteria in the section entitled "Training for Individuals Working in or Frequenting Restricted Areas," in NUREG-1556, Vol. 1, 'Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Portable Gauge Licenses,' dated November 2001."

Your statement is not acceptable because it does not refer to the current revision of the guidance. You may revise your statement to match that identified in the Response from Applicant section of the current guidance as follows:

"Before using licensed materials, authorized users will have successfully completed one of the training courses described under 'Criteria' in the section titled 'Training for Individuals Working in or Frequenting Restricted Areas' in NUREG-1556, Volume 1, Revision 2, 'Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Portable Gauge Licenses.'"

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.

The facility diagram and descriptions of your permanent storage sites did not include adequate detail.

Please resubmit the facility diagrams identifying all information relevant to public dose and security as discussed in Sections 8.10.5, "Public Dose," and 8.10.6, "Operating, Emergency, and Security Procedures."

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. In addition, submit greater detail on your storage area. 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 of the 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 8.10.2, "Radiation Monitoring Instruments," of the guidance specifies that licensees should possess, or have access to, radiation monitoring instruments, which are necessary to protect health and minimize danger to life or property, especially in circumstances related to incidents involving portable gauging devices at construction sites.

Your application states: "We will either possess and use, or have access to and use, a radiation survey meter that meets the Criteria in the section entitled 'Radiation Safety Program - Instruments' in NUREG-1556, Vol. 1, 'Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Portable Gauge Licenses,' dated November 2001, in the event of an incident."

Your statement is not acceptable because it does not refer to the current revision of the guidance. You may revise your statement to match that identified in the Response from Applicant section of the current guidance as follows:

"We will either possess and use, or have access to and use, a radiation survey meter that meets the criteria in the section titled "Radiation Safety Program - Radiation Monitoring Instruments" in NUREG-1556, Volume 1, Revision 2, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Portable Gauge Licenses," in the event of an incident."

6. Section 8.10.3, "Material Receipt and Accountability," of the guidance, identifies 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.

Licensees must do the following:

- maintain records of receipt, transfer, and disposal of gauges; and
- conduct physical inventories every 6 months (or at other intervals justified by the applicant and approved by the NRC) to account for all sealed sources.

Your application states, "Physical inventories will be conducted at intervals not to exceed 6 months, to account for all sealed sources and devices received and possessed under the license."

Your application does not describe how you will also ensure accountability of licensed materials at all times. As indicated in the Response from Applicant section of the guidance, you may expand upon your statement, by also including the following statement identified in the guidance:

"We will develop, implement and maintain procedures for ensuring accountability of licensed materials at all times."

7. 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 included the statement, "Operating and emergency procedures will be developed, implemented, and maintained, and will meet the criteria in the section entitled 'Radiation Safety Program - Operating and Emergency Procedures' in NUREG-1556, Vol. 1, 'Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Portable Gauge Licenses,' dated November 2001."

Your statement is not acceptable because it does not refer to the current revision of the guidance and does not include a commitment to providing copies of your OE&S Procedures to all gauge users and available at each jobsite.

You may revise your statement to match that identified in the Response from Applicant section of the current guidance as follows:

"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."

In accordance with [10 CFR §2.390](#) of the NRC's "Rules of Practice," a copy of this letter and its enclosure 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 request, please 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 (630) 829-9737 or via e-mail at [Jason.Kelly@nrc.gov](mailto:Jason.Kelly@nrc.gov).

Sincerely,

Jason M. Kelly, MPH  
Health Physicist  
Materials Licensing Branch

Docket No.: 030-33048  
License No.: 21-26469-01  
Control No.: 634973