



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

July 18, 2024

Fraser Wyllie
Managing Director New Zealand
& Pacific Islands
McConnell Dowell Corporation Limited
P.O. Box 2758, Shortland Street
Auckland, New Zealand 1140

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION

Dear Fraser Wyllie:

The Nuclear Regulatory Commission (NRC) has completed the initial technical review of the license amendment application dated May 17, 2024, for NRC License Number 56-29396-01. This NRC license authorizes the storage and use of radioactive material in portable nuclear density gauges that are used and stored by McConnell Dowell in America Samoa, an area of NRC jurisdiction. We are unable to approve McConnell Dowell's request to authorize a new Radiation Safety Officer (RSO) in NRC License Number 56-29396-01 to replace the previous one, who we understand has already left this position in American Samoa.

Based on the preliminary findings during the most recent routine inspection of McConnell Dowell in America Samoa in February 2024, the NRC is concerned that the RSO training that has been provided to the individuals listed in McConnell Dowell amendment application does not meet the applicable training requirements listed in Appendix C of NUREG-1556, Volume 1, Rev. 2, which can be found at www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v1/index.html. Using performance-based inspection methods, our inspector noted that all staff members contacted lacked knowledge of the NRC requirements that apply to NRC License Number 56-29396-01. The inspector noted numerous failures to comply with the basic requirements intended to ensure the safe and secure use of McConnell Dowell portable nuclear density gauges. The NRC contacted Stuart Moulding, Tutor/Director of CIVILTRAIN in New Zealand to discuss the curriculum of the on-line training received by McConnell Dowell personnel. Stuart Moulding confirmed that his company's training does not include any discussion of U.S. NRC requirements related to portable nuclear density gauges. We further confirmed by spot-checking that the New Zealand requirements are, in many cases, not compatible with NRC requirements, and therefore would not ensure compliance with the related NRC requirements. Therefore, we have concluded that the training documentation provided in McConnell Dowell application does not demonstrate that the RSO candidates meet the criteria in Appendix C of NUREG-1556, Volume 1, Rev. 2.

As described in Section 8.7.1, of NUREG-1556, Volume 1, Rev. 2, the NRC expects that the RSO is the key person providing oversight and ensuring safe operation of the radiation protection program. The RSO must have adequate training to understand the hazards associated with radioactive material and be familiar with all applicable regulatory requirements. The RSO should have sufficient time and commitment from management to ensure that radioactive materials are used in a safe manner, approved radiation safety procedures are

being implemented, and the required records of licensed activities are maintained. Safety and security of portable nuclear gauges is predicated on knowledge and experience with the applicable NRC requirements. Based on our recent inspection, the NRC believes the lack of training that covers NRC requirements, combined with the frequent turnover of RSOs and historical limited physical presence of the RSO at McConnell Dowell American Samoa office, have resulted in inadequate oversight of portable nuclear density gauge authorized users and the performance issues noted during our recent inspection. Therefore, prompt corrective action is recommended to resolve this lack of knowledge.

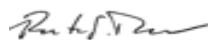
Due to government-wide ethics rules, the NRC is not permitted to recommend or endorse any specific companies or individuals that can provide training in U.S. NRC requirements for portable nuclear gauge users or RSOs. However, there are numerous portable nuclear gauge manufacturers based in the U.S. and other training specialty companies based in the U.S. that provide training for RSOs and the safe use of portable nuclear gauges that include the applicable NRC requirements that must be met under McConnell Dowell license. Online training is permitted bearing in mind that it is often necessary to supplement such training with hands-on, on-the-job training that is documented.

Please provide McConnell Dowell's response in a signed and dated letter, in company letterhead, within 30 days from receipt of this letter, and make reference to mail control number 640757.

1. When additional training has been completed, provide documentation showing that the primary RSO candidate for McConnell Dowell American Samoa office has met the criteria described Appendix C of NUREG-1556, Volume 1, "Consolidated Guidance About Materials Licenses - Program-Specific Guidance About Portable Gauge Licenses, Rev. 2."
2. Provide an organizational chart or structure for McConnell Dowell that includes the reporting chain from the RSO to the American Samoa office management to above the American Samoa office within the overall McConnell Dowell organization.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," 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). ADAMS is accessible from the NRC Web site at www.nrc.gov/reading-rm/adams.html.

Sincerely,



Signed by Torres, Roberto
on 07/18/24

Roberto J. Torres, M.S., Acting Branch Chief
Division of Radiological Safety and Security
Materials Licensing Branch

Docket: 030-38318
License: 56-29396-01
Control: 640757

REQUEST FOR ADDITIONAL INFORMATION DATED – JULY 18, 2024

DISTRIBUTION:

MLB

MIB

ADAMS ACCESSION NUMBER: ML24200A118

<input checked="" type="checkbox"/> SUNSI Review By: ADW4	ADAMS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Sensitive <input checked="" type="checkbox"/> Non-Sensitive	<input type="checkbox"/> Non-Publicly Available <input checked="" type="checkbox"/> Publicly Available	Keyword NRC-002
OFFICE	MLB/HP		MLB/Acting Chief	
NAME	AWillis		RJTorres	
SIGNATURE	/RA/		/RA/	
DATE	7/18/2024		7/18/2024	

OFFICIAL RECORD COPY