

From: Steve Green [mailto:sgreen@cte-inc.net]
Sent: Tuesday, June 19, 2012 10:42 AM
To: Simmons, Michelle
Subject: RE: Construction Testing & Engineering, inc. Deficiency Letter Mail Control 577129

Michelle,

Attached are the following items:

- 1) NRC Form 313, signed by the president of Const. Testing and Engineering.
- 2) Physical Inventory and Possession Limits, we do not wish to increase our limits at this time.
- 3) A list of all of our office addresses where licensed material will be stored.

We are fully committed to implement and maintain the operating, emergency and security procedures described in the errata sheet to Appendix H of Nureg-1556, Vol. 1, Rev. 1, dated Nov. 2001 and provide copies to all gauge users and at each job site.

Thank You



STEVE GREEN
CONSTRUCTION TESTING & ENGINEERING, INC.
1441 MONTIEL ROAD, SUITE 115
ESCONDIDO, CA 92026
PHONE: 760.746.4955
FACSIMILE: 760.746.4931
WWW.CTE-INC.NET

-----Original Message-----

From: Simmons, Michelle [mailto:Michelle.Simmons@nrc.gov]
Sent: Monday, June 11, 2012 2:15 PM
To: sgreen@cte-inc.net
Subject: Construction Testing & Engineering, inc. Deficiency Letter Mail Control 577129

License No.: 03034317
Docket No: 04-29106-01
Control No: 577129

This is in reference to your application dated February 14, 2012, requesting to renew your Nuclear Regulatory Commission License No. 04-29106-01. In order to continue our review, we need the following additional information:

1. Please confirm that you do not wish to make changes to the possession limits currently listed on your license.
2. A. In your application, you submitted a NRC Form 313. On this form, the section titled "*Address where licensed material will be used or possessed*" was left blank. However, your license currently lists a location of use in Hagatna, Guam. Please confirm that you wish to remove the facility located in Hagatna, Guam, from your license.

Please submit your most recent leak test results for all gauges stored at this location; or

B. Submit the address(es) to where you wish to use or possess licensed materials.

3. 10 CFR 35.12(a) requires an application to be signed by the applicant's or licensee's upper management. However, your application was not signed by a member of upper management. Please submit a revised NRC Form 313 signed by the CEO or President of Construction Testing & Engineering, Inc. This will indicate that upper management has reviewed the application and concurs in the statements and representations contained therein.

4. Please commit to the following statement:

We will implement and maintain the operating, emergency and **security procedures** described in the errata sheet to Appendix H of NUREG-1556, Vol. 1, Rev. 1, dated November 2001, and provide copies of these procedures to all gauge users and at each job site (<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v1/r1/apph-errata.pdf>).

Please respond to this email by June 18, 2012. If you are unable to respond by this due date, please don't hesitate to contact me so we can discuss an extension to the date. Our fax number is (817) 200-1263. You may also email your response as a pdf attachment. If you have any questions regarding this email, please call me at 817-200-1590. When responding to this email, please include the license, docket and control numbers located at the top of this page.

Thanking you in advance for your cooperation, assistance, and prompt response in this matter

NRC FORM 313
(3-2009)
10 CFR 30, 32, 33,
34, 35, 36, 39, and 40

U.S. NUCLEAR REGULATORY COMMISSION

APPROVED BY OMB: NO. 3150-0120

EXPIRES: 3/31/2012

APPLICATION FOR MATERIALS LICENSE

Estimated burden per response to comply with this mandatory collection request: 4.3 hours. Submittal of the application is necessary to determine that the applicant is qualified and that adequate procedures exist to protect the public health and safety. Send comments regarding burden estimate to the Records and FOIA/Privacy Services Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to infocollects.resource@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0120), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

INSTRUCTIONS: SEE THE APPROPRIATE LICENSE APPLICATION GUIDE FOR DETAILED INSTRUCTIONS FOR COMPLETING APPLICATION. SEND TWO COPIES OF THE ENTIRE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.

APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:

OFFICE OF FEDERAL & STATE MATERIALS AND
ENVIRONMENTAL MANAGEMENT PROGRAMS
DIVISION OF MATERIALS SAFETY AND STATE AGREEMENTS
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001

ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS:

IF YOU ARE LOCATED IN:

ALABAMA, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, FLORIDA, GEORGIA,
KENTUCKY, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY,
NEW YORK, NORTH CAROLINA, PENNSYLVANIA, PUERTO RICO, RHODE ISLAND, SOUTH
CAROLINA, TENNESSEE, VERMONT, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA,
SEND APPLICATIONS TO:

LICENSING ASSISTANCE TEAM
DIVISION OF NUCLEAR MATERIALS SAFETY
U.S. NUCLEAR REGULATORY COMMISSION, REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

IF YOU ARE LOCATED IN:

ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND
APPLICATIONS TO:

MATERIALS LICENSING BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION III
2443 WARRENVILLE ROAD, SUITE 210
Lisle, IL 60532-4352

ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, HAWAII, IDAHO, KANSAS,
LOUISIANA, MISSISSIPPI, MONTANA, NEBRASKA, NEVADA, NEW MEXICO, NORTH
DAKOTA, OKLAHOMA, OREGON, PACIFIC TRUST TERRITORIES, SOUTH DAKOTA, TEXAS,
UTAH, WASHINGTON, OR WYOMING, SEND APPLICATIONS TO:

NUCLEAR MATERIALS LICENSING BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV
812 E. LAMAR BOULEVARD, SUITE 400
ARLINGTON, TX 76011-4125

PERSONS LOCATED IN AGREEMENT STATES SEND APPLICATIONS TO THE U.S. NUCLEAR REGULATORY COMMISSION ONLY IF THEY WISH TO POSSESS AND USE LICENSED MATERIAL IN STATES SUBJECT TO U.S. NUCLEAR REGULATORY COMMISSION JURISDICTIONS.

1. THIS IS AN APPLICATION FOR (Check appropriate item)

- ☐ A. NEW LICENSE
☐ B. AMENDMENT TO LICENSE NUMBER
☒ C. RENEWAL OF LICENSE NUMBER

04-29106-01

(RSO) Rodney Ballard / Thomas Gaeto (CEO)
1441 Montiel Rd. suite 115
Escondido, CA. 92036

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

see attached

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

ARSO: Steve Green

TELEPHONE NUMBER

760-481-5962

SUBMIT ITEMS 5 THROUGH 11 ON 8-1/2 X 11" PAPER. THE TYPE AND SCOPE OF INFORMATION TO BE PROVIDED IS DESCRIBED IN THE LICENSE APPLICATION GUIDE.

5. RADIOACTIVE MATERIAL

a. Element and mass number; b. chemical and/or physical form; and c. maximum amount which will be possessed at any one time.

6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED.

7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING EXPERIENCE.

8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.

9. FACILITIES AND EQUIPMENT.

10. RADIATION SAFETY PROGRAM.

11. WASTE MANAGEMENT.

12. LICENSE FEES (See 10 CFR 170 and Section 170.31)

FEE CATEGORY AMOUNT
ENCLOSED \$

13. CERTIFICATION. (Must be completed by applicant) THE APPLICANT UNDERSTANDS THAT ALL STATEMENTS AND REPRESENTATIONS MADE IN THIS APPLICATION ARE BINDING UPON THE APPLICANT.

THE APPLICANT AND ANY OFFICIAL EXECUTING THIS CERTIFICATION ON BEHALF OF THE APPLICANT, NAMED IN ITEM 2, CERTIFY THAT THIS APPLICATION IS PREPARED IN CONFORMITY WITH TITLE 10, CODE OF FEDERAL REGULATIONS, PARTS 30, 32, 33, 34, 35, 36, 39, AND 40, AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF.

WARNING: 18 U.S.C. SECTION 1001 ACT OF JUNE 25, 1948 82 STAT. 749 MAKES IT A CRIMINAL OFFENSE TO MAKE A WILLFULLY FALSE STATEMENT OR REPRESENTATION TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES AS TO ANY MATTER WITHIN ITS JURISDICTION.

CERTIFYING OFFICER - TYPED/PRINTED NAME AND TITLE

Thomas A. Gaeto Pres

SIGNATURE

[Signature]

DATE

6-19-12

FOR NRC USE ONLY

TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
			\$		
APPROVED BY				DATE	

Items 5 & 6 Materials to be possessed and proposed uses.

Y e s	N o	Radioisotope	Manufacturer/ Model No.	Quantity	Most common use	Specify other uses not listed on SSD Certificate
X		Cesium – 137	Sealed sources InstroTek Model CPN MC3	Not to exceed 10 millicuries per source	Portable gauge for measurement of properties of construction materials	(x) Not applicable
X		Americium – 241	Sealed sources InstroTek Model CPN MC3	Not to exceed 50 millicuries per source	Portable gauge for measurement of properties of construction materials	(x) Not applicable
X		Cesium – 137	Sealed sources Troxler Dwg. No. A-102112	Not to exceed 8 millicuries per source	Portable gauge for measurement of properties of construction materials.	(x) Not applicable
X		Americium – 241	Sealed neutron sources Troxler Dwg. No. A-102451	Not to exceed 40 millicuries per source	Portable gauge for measurement of properties of construction materials	(x) Not applicable
X		Cesium – 137	Sealed sources, InstroTek Model Explorer 3500	Not to exceed 10 millicuries per source	Portable gauge for measurement of properties of construction materials	(x) Not applicable
X		Americium – 241	Sealed sources, InstroTek Model Explorer 3500	Not to exceed 40 millicuries per source	Portable gauge for measurement of properties of construction materials	(x) Not Applicable

Items 7 through 11: Training and Experience, Facilities and Equipment, Radiation Safety Program and Waste Disposal.

Item No. and Title	Response	YES	Alternative Procedures Attached
7. Individual(s) Responsible for Radiation Safety Program and Their training and Experience – Radiation Safety Officer <u>Rodney D. Ballard</u>	The RSO has successfully completed one of the training courses as described in NUREG-1556, Vol. 1 dated November 2001. Before being named as RSO, future RSO(s) will have successfully completed one of the training courses described in the NUREG-1556, Vol 1. dated November 2001.	<input checked="" type="checkbox"/>	0
8. Training for Individuals Working in or Frequenting Restricted Areas	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, dated November 2001.	<input checked="" type="checkbox"/>	0
9. Facilities and Equipment	No information needs be submitted in response to this item; key issues are addressed under "Radiation Safety Program – Public Dose" and Radiation Safety Program – Operating and Emergency Procedures".	0	0
10. Radiation Safety Program – Audit Program	Need not be submitted at this time	0	0
10. Radiation Safety Program – Survey Instruments	We possess a Ludlum radiation survey meter that meets the Criteria in the section entitled "Radiation Safety Program-Instruments" in NUREG-1556, Vol. 1, dated November 2001, in the event of an incident.	<input checked="" type="checkbox"/>	0
10. Radiation Safety Program – Material Receipt and Accountability	Physical inventories are conducted at intervals not to exceed 6 months, to account for all sealed sources and devices received and possessed under the license.	<input checked="" type="checkbox"/>	0
10. Radiation Safety Program – Occupational dosimetry	WE provide dosimetry processed and evaluated by a National Voluntary Laboratory Accreditation Program (NVLAP) approved processor which are	<input checked="" type="checkbox"/>	0

	exchanged quarterly as recommended by the processor.		
10. Radiation Safety Program -- Operating & Emergency Procedures	We have implemented and maintain the operating and emergency procedures of NUREG-1556, Vol. 1, dated November 2001, and provide copies of these procedures to all gauge users and at each storage location.	X	0
10. Radiation Safety Program -- Leak Test	Leak tests will be performed at intervals approved by the NRC. Leak tests will be performed using a leak test kit supplied by an NRC authorized organization and according to the kit supplier's instructions.	X	0
10. Radiation Safety Program -- Maintenance	<u>Routine Cleaning & Lubrication</u> We will implement and maintain procedures for routine maintenance of our gauges according to each manufacturer's recommendations and instructions. <u>NON-Routine Maintenance</u> We will send the gauge to the manufacturer or other person authorized by NRC to perform non-routine maintenance or repair operations that require the removal of the source or source rod from the gauge.	X	0
10. Radiation Safety Program -- Transportation	Not required at this time	0	0
10. Radiation Safety Program -- Termination of Activities	Not required at this time	0	0
10. Radiation Safety Program -- Public Dose	Not required at this time	0	0
11. Waste Management -- Gauge Disposal & Transfer.	Not required at this time	0	0

Physical Inventory Nuclear Density Gauges
Nuclear Regulatory Commission License # 04-29106-01

Construction Testing & Engineering Escondido Nuclear Gauge Inventory		Serial No.	SOURCE 1 Radionuclide	SOURCE 1 Activity (mCi)	SOURCE 2 Radionuclide	SOURCE 2 Activity (mCi)
1	CPN Model MC3	M381204730	Cs 137	10.0 mCi	AM-241;Be	50 mCi
2	CPN Model MC3	M391005361	Cs 137	10.0 mCi	AM-241;Be	50 mCi
3	CPN Model MC3	M320506584	Cs 137	10.0 mCi	AM-241;Be	50 mCi
4	CPN Model MC3	M320706696	Cs 137	10.0 mCi	AM-241;Be	50 mCi
5	CPN Model MC3	M310506163	Cs 137	10.0 mCi	AM-241;Be	50 mCi
6	CPN Model MC3	M320706697	Cs 137	10.0 mCi	AM-241;Be	50 mCi
7	CPN/ MC3	M3203066464	Cs 137	10.0 mCi	AM-241;Be	50 mCi
8	CPN/ MC3	M3203066466	Cs 137	10.0 mCi	AM-241;Be	50 mCi
9	CPN/ MC3	M3203066467	Cs 137	10.0 mCi	AM-241;Be	50 mCi
10	CPN/ MC3	M320306465	Cs 137	10.0 mCi	AM-241;Be	50 mCi
11	CPN/ MC3	M370208630	Cs 137	10.0 mCi	AM-241;Be	50 mCi
12	CPN/ MC3	7156	Cs 137	10.0 mCi	AM-241;Be	50 mCi
13	Explorer 3500	I350786	Cs 137	10.0 mCi	AM-241;Be	40 mCi
14	TROXLER 3411B	13272	Cs 137	8.0 mCi	AM-241;Be	40 mCi
			TOTAL	138 mCi	TOTAL	680 mCi

National City Nuclear Gauge Inventory		Serial No.	SOURCE 1 Radionuclide	SOURCE 1 Activity (mCi)	SOURCE 2 Radionuclide	SOURCE 2 Activity (mCi)
15	CPN Model MC3	M380404217	Cs 137	10.0 mCi	AM-241;Be	50 mCi
16	CPN Model MC3	M380404219	Cs 137	10.0 mCi	AM-241;Be	50 mCi
17	CPN Model MC3	M310306062	Cs 137	10.0 mCi	AM-241;Be	50 mCi
18	CPN Model MC3	M300105432	Cs 137	10.0 mCi	AM-241;Be	50 mCi
19	CPN Model MC3	M320706684	Cs 137	10.0 mCi	AM-241;Be	50 mCi
20	CPN Model MC3	M320706685	Cs 137	10.0 mCi	AM-241;Be	50 mCi
21	CPN Model MC3	M310506161	Cs 137	10.0 mCi	AM-241;Be	50 mCi
			TOTAL	70 mCi	TOTAL	350 mCi

RIVERSIDE Nuclear Gauge Inventory		Serial No.	SOURCE 1 Radionuclide	SOURCE 1 Activity (mCi)	SOURCE 2 Radionuclide	SOURCE 2 Activity (mCi)
22	CPN Model MC3	M38058257	Cs 137	10.0 mCi	AM-241;Be	50 mCi
23	Troxler Model 3411-B	8069	Cs 137	8.0 mCi	AM-241;Be	40 mCi
24	Troxler Model 3411-B	8968	Cs 137	8.0 mCi	AM-241;Be	40 mCi
25	Troxler Model 3411-B	13706	Cs 137	8.0 mCi	AM-241;Be	40 mCi
26	Troxler Model 3430	19146	Cs 137	8.0 mCi	AM-241;Be	40 mCi
27	Troxler Model 3430	19494	Cs 137	8.0 mCi	AM-241;Be	40 mCi
28	Troxler Model 3440	23757	Cs 137	8.0 mCi	AM-241;Be	40 mCi
29	Troxler Model 3440	23787	Cs 137	8.0 mCi	AM-241;Be	40 mCi
30	CPN Model MC3	M320506585	Cs 137	10.0 mCi	AM-241;Be	50 mCi
			TOTAL	76 mCi	TOTAL	380 mCi

Oxnard Nuclear Gauge Inventory	serial No.	SOURCE 1 Radionuclide	SOURCE 1 Activity (mCi)	SOURCE 2 Radionuclide	SOURCE 2 Activity (mCi)
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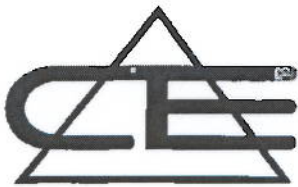
License # 04-29106-01

31	Troxler Model 3440	17519	Cs 137	8.0 mCi	AM-241;Be	40 mCi
32	Troxler Model 3411-B	8349	Cs 137	8.0 mCi	AM-241;Be	40 mCi
33	Troxler Model 3411-B	6192	Cs 137	8.0 mCi	AM-241;Be	40 mCi
34	Troxler Model 3411-B	9181	Cs 137	8.0 mCi	AM-241;Be	40 mCi
35	CPN Model MC3	M380404218	Cs 137	10.0 mCi	AM-241;Be	50 mCi
			TOTAL	42.0 mCi	TOTAL	210 mCi

Tracy Nuclear Gauge Inventory		Serial No.	Source 1 Radionuclide	Source 1 Activity (mCi)	Source 2 Radionuclide	Source 2 Activity (mCi)
36	Troxler Model 3411-B	11420	Cs 137	8.0 mCi	AM-241;Be	40 mCi
37	Troxler Model 3411-B	6641	Cs 137	8.0 mCi	AM-241;Be	40 mCi
38	Troxler Model 3411-B	5378	Cs 137	8.0 mCi	AM-241;Be	40 mCi
39	Troxler Model 3411-B	10257	Cs 137	8.0 mCi	AM-241;Be	40 mCi
40	Troxler Model 3411-H	14414	Cs 137	8.0 mCi	AM-241;Be	40 mCi
41	Troxler Model 3411-H	14412	Cs 137	8.0 mCi	AM-241;Be	40 mCi
42	Troxler Model 3440	22426	Cs 137	8.0 mCi	AM-241;Be	40 mCi
			TOTAL	56.0 mCi	TOTAL	280 mCi

| total 382 | total 1900

We do not wish to change our possession limits at this time. 8



Offices

Addresses and Phone and Fax Numbers

CTE Corporate Headquarters

1441 Montiel Road, Suite 115
Escondido, CA 92026-2239
Phone: (760) 746-4955
Main Fax: (760) 746-9806
Civil/Survey Fax: (760) 746-5824
Geotechnical Fax: (760) 746-4931

CTE National City

124 East 30th Street, Unit A4
National City, CA 91950-7332
Fax: (760) 466-0423

CTE Riverside

14538 Meridian Parkway, Suite A
Riverside, CA 92518-3018
Phone: (951) 571-4081
Main Fax: (951) 571-4188
Geotechnical/Survey/Civil Fax: (951) 571-4189

CTE Oxnard

1645 Pacific Avenue, Suite 107
Oxnard, CA 93033-1861
Phone: (805) 486-6475
Fax: (805) 486-9016

CTE Tracy

242 West Larch Road, Suite F
Tracy, CA 95304-1637
Phone: (209) 839-2890
Fax: (209) 839-2895

CTE Sacramento

3628 Madison Avenue, Suite 22
North Highlands, CA 95660-5071
Phone: (916) 331-6030
Fax: (916) 331-6037

CTE Pasadena

1055 East Colorado Blvd., Suite 500
Pasadena, CA 91106-2358
Phone: (626) 204-4038
Fax: (626) 204-4039

CTE Merced

3058 Beachwood Drive
Merced, CA 95348-3617
Phone: (209) 388-9933
Fax: (209) 388-9939

QC Southwest, Inc.

988 Empire Mesa Way, Suite B
Henderson, NV 89011-1800
Phone: (702) 568-7789
Fax: (702) 568-9789

QC Southwest, Inc.

1441 Montiel Road, Suite 115
Escondido, CA 92026-2239
Escondido Phone: (760) 546-0350
Escondido Fax: (760) 546-0221

CTE Guam

288 West O'Brien Drive
Hagatna, GU 96910-5130
Phone: (671) 477-0950
Fax: (671) 477-0952

Please include the listed
addresses for storage of
licensed materials.

4/14/11

524

License # 03034317 Docket # 04-29106-01 Control # 577129