



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

April 19, 2016

Docket No. 03038865
Control No. 588579

License No. 31-35265-01

Mohamed Sharawy
Proprietor
Mohamed Sharawy
625 Main Street, Apt. 637
New York, NY 10044

SUBJECT: MOHAMED SHARAWY, REQUEST FOR ADDITIONAL INFORMATION
CONCERNING APPLICATION FOR LICENSE, CONTROL NO. 588579

Dear Mr. Sharawy:

This is in reference to your application for a license dated August 13, 2015 (application). In order to continue our review, we need the following additional information:

1. 10 CFR 30.33(a)(1) states, in part, that an application for a specific license will be approved if the application is for a purpose authorized by the Atomic Energy Act¹.

Your application did not provide a sufficient description of the purpose for which the requested radioactive material would be used. In our email to you on December 17, 2015, and in telephone conversations with you on September 17, 2015, November 12, 2015, and December 17, 2015, we requested that you respond with the purpose for which the material will be used. You have not yet provided a sufficient description of the specific way in which you intend for the material to be used. Specifically, during our telephone conversation on September 17, 2015, you stated that you do not have a business license that would require the use of the material, that you wanted the license and material "for an idea," and that the material would be used to measure soil and asphalt density and moisture content at field sites. Despite our additional requests for information sent to you since the September 17, 2015, conversation, you still have not provided sufficient evidence that Mohamed Sharawy is a licensed business. Additionally, you have repeatedly stated that you did not have any plans for use of the gauge.

In accordance with the Atomic Energy Act (Act), the Commission is authorized to issue general or specific licenses to applicants seeking to use byproduct material for research or development purposes, for medical therapy, industrial uses, agricultural uses, or such other useful applications as may be developed. Your responses did not indicate a specific use which falls into a category authorized by the Act. Please provide the

¹ Atomic Energy Act of 1954, as amended (68 Stat. 919), and under title II of the Energy Reorganization Act of 1974 (88 Stat. 1242). The AEA is included in NRC Document NUREG-0980, Vol. 1, No. 10, ADAMS Accession No. ML13274A489.

specific

discipline for which the material will be used and the circumstances by which you plan to use the gauge.

2. 10 CFR 30.33(a)(2) states, in part, that an application for a specific license will be approved if the applicant's proposed equipment and facilities are adequate to protect health and minimize danger to life or property.

Based on the information provided in your application, you have not demonstrated that the proposed equipment and facilities are adequate to protect health and minimize danger to life or property. Specifically, your application states that the storage location for the material will be at your personal residence. At this time, we have not received information acknowledging that you are licensed by the State of New York to possess and store the material at your residence in New York. Since you proposed storing the material within New York jurisdiction, we cannot issue a license if you are not authorized to possess and store the material at the location specified in your application. If you have an alternate storage location that satisfies the licensing requirements, please provide that information. If you have been authorized by license from the State of New York to possess and store the material, please provide a copy of that license. Otherwise, please provide additional information on how you will obtain material for use at temporary jobsites located within NRC jurisdiction and what will occur with the material once the job is completed.

3. 10 CFR 30.33(a)(3) states, in part, that an application for a specific license will be approved if the applicant is qualified by training and experience to use the material for the purpose requested in such manner as to protect health and minimize danger to life or property.

Based on the information provided in your application, we have determined that you have not demonstrated that you are qualified by training and experience to use the material. Although you provided a copy of your training certificate dated December 3, 2001, received from the manufacturer, you have not provided supporting evidence of your experience using portable gauges. In your letter received by our office on December 28, 2015, you stated that radiological safety of the gauge was a work duty; however, you could not provide evidence of your level of involvement with the gauges or use of gauges. Correspondence between our office and your former employer failed to produce evidence of your experience with use of the material. Please provide evidence of your experience using the material for the purposes you are requesting.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Licensee Toolkits, see our toolkit index page**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

We will continue our review upon receipt of this information. Please reply to my attention at the Region I Office and refer to Mail Control No. 588579. If you have any technical questions regarding this deficiency letter, please call Scott Wilson at (610) 337-5136.

If we do not receive a reply from you within 30 calendar days from the date of this letter, we will assume that you do not wish to pursue your application and will void the licensing action. Additionally, please note that if we receive your response within 30 days and the response you provide does not comply with the requirements of the Act and with the requirements of the applicable regulations we will deny your request for a license in accordance with 10 CFR 2.103(b) and 10 CFR 2.108. Should a denial occur, as stated in 10 CFR 2.103(b)(2), you will have 20 days from the date of the notice of denial to request a hearing.

Sincerely,

Original signed by James M. Trapp

James M. Trapp, Director
Division of Nuclear Materials Safety

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