



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

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

NOV 12 2019

Mark Behrens  
President  
Terra Site Development, Inc.  
1307 W 161st St.  
Westfield, IN 46074

Dear Mr. Behrens:

This letter refers to the application dated May 16, 2019 (ML19136A152), requesting to renew your Nuclear Regulatory Commission (NRC) Materials License No. 13-32741-01 for Terra Site Development, Inc., as well as the follow up email dated October 30, 2019, to support your original application. We are unable to renew your license at this time because the information provided in these documents was not sufficient. Specifically, we attempted to obtain additional information to address the deficient items in your renewal application through an email dated September 19, 2019, and we followed up with numerous subsequent emails and telephone calls to you; however, you have not provided sufficient information to address all of the deficiencies and you have not designated a qualified Radiation Safety Officer (RSO) to replace the former RSO.

Based on the current status of your program, we understand the gauges have been in storage for the last 18 months, (based on your November 6, 2019 email), we have amended your license to allow storage only of the portable gauges and we revised the expiration date to June 30, 2020. These changes will allow you sufficient time to address the deficient items and retain a qualified RSO to manage the portable gauge program. You were informed of the changes to your license in an email to you on November 5, 2019. Enclosed is Amendment No. 2 to your NRC Material License No. 13-32741-01. Please note your license has been amended for **possession and storage only of the gauges (in standby) and your license must be amended prior to any use.** The term of your license has been reduced and will now expire on June 30, 2020. In addition, you have been identified as the responsible individual for the portable gauges in Condition 11 of the enclosed license. In order to renew the license, you must provide an acceptable response to our deficiencies and designate a qualified RSO. Your response must include the following:

- 1) NRC Form 313 Items 1, 2, 3, 4, and 13. Please note that a portable gauge licensee needs to specifically request to use the portable gauge(s) at temporary jobsites.
- 2) Attach Responses to NRC Form 313 Items 5 through 11 to the completed NRC Form 313. You may use Appendix B, "Suggested Format for Providing Information Requested in Items 5 through 11 of NRC Form 313," to NUREG 1556 Vol. 1, Rev. 2 to provide this information.

- 3) Documentation demonstrating the proposed RSO's training and experience. Acceptable training and experience is described in Appendix C, "Criteria for Acceptable Training Courses for Portable Gauge Users," to NUREG 1556 Vol. 1, Rev. 2. Please note that documented hands-on training provided by an authorized RSO should supplement any online training courses.
- 4) Documentation confirming that the proposed individual is duly authorized for and accepts the responsibility of being appointed as the RSO. This may be met by providing a copy of the *Delegation of Authority* memo formally appointing the new RSO, signed by both the new Radiation Safety Officer and their senior management responsible for oversight of the radiation safety program.

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate corrections and answers.

You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in the General Statement of Policy and Procedure for NRC Enforcement Actions. Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

In accordance with Title 10 of the Code of Federal Regulations (CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure 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), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

A handwritten signature in black ink, reading "Erin J. Kennedy". The signature is fluid and cursive, with the first name "Erin" and last name "Kennedy" clearly distinguishable.

Erin J. Kennedy  
Health Physicist  
Materials Licensing Branch

License No. 13-32741-01  
Docket No. 030-38010

Enclosure: Amendment No. 2