

From: Mark Behrens
To: Pelke, Patricia
Cc: Kennedy, Erin
Subject: [External_Sender] RE: Renewal of your NRC License for storage only
Date: Wednesday, November 06, 2019 10:33:30 AM

Ms. Pelke,

Thank you for your email.
Responding to let you know we have received your email.
We will comply immediately.

My sincere apologies – we are a very small business and I have been traveling a lot lately and consequently I also wear a lot of hats in the company. It is also our busiest time of the year as it is the close of the construction season. I should be back in the office for the next week starting Friday. I plan to get the remaining paperwork completed and submitted asap within the next week.

FYI - our nuclear gauges have already been in storage for the last +-18 months as our construction inspection side of the business (where we use the nuclear density gauges for soils compaction testing) has been placed on hold for the last 18 months. We plan to restart this side of the business in spring 2020 with a couple of new hires.

Thank you
Best Regards,

Mark Behrens, BSCE
Principal - Engineering & Land Surveying Services



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From: Pelke, Patricia <Patricia.Pelke@nrc.gov>
Sent: Tuesday, November 5, 2019 10:25 AM
To: Mark Behrens <mbehrens@terrasitedev.com>
Cc: Kennedy, Erin <Erin.Kennedy@nrc.gov>
Subject: Renewal of your NRC License for storage only

Good morning Mr. Behrens,

Erin Kennedy has been working on the renewal of your NRC license. She provided the deficiencies to you along with due dates for the information and she has attempted to resolve these issues with you since at least September 19th, as evidenced by the email string below. To date, you have not responded to the deficient items, nor have you designated a qualified Radiation Safety Officer (RSO) to replace the former RSO who retired. You provided a *stand-alone Delegation of Authority* document to Ms. Kennedy on October 30th, which did not include training records for the proposed RSO (Brian Slake), nor did you provide the document under a signed cover letter.

Since you do not have a qualified RSO at this time and have failed to provide the information required to renew your license, we will amend your license for "storage only." Once you have provided an acceptable response to our deficiencies and have designated a qualified RSO, your license will be amended accordingly to authorize the use of the gauges. If you decide to terminate your license, please advise and we will provide additional information to you regarding the termination process.

If you have any questions regarding this information, please contact me. Our objective is to issue a timely renewal that includes current information regarding the gauges you possess, procedures, facilities, as well as a qualified RSO who will be responsible for portable gauge program.

Sincerely,
Patty Pelke

Patricia J. Pelke
Chief, Materials Licensing Branch
Division of Nuclear Materials Safety
NRC Region III
Office: 630-829-9868
Cell: 630-453-7639
Fax: 630-515-1259

From: Kennedy, Erin
Sent: Friday, November 01, 2019 3:38 PM
To: Mark Behrens <mbehrens@terrasitedev.com>
Subject: RE: RE: RE: RE: Additional Information Needed for Renewal of you NRC License

Hi Mark,

I did receive the Delegation of Authority that you sent to me on Wednesday. However, that document has to be tied to your license (it is a legal commitment), and I cannot accept it without a signed and dated cover letter or a signed and dated application (NRC form 313). In addition, I still have to have the rest of the documentation detailed in my previous email

in order to determine that Mr. Slake is qualified to be named as RSO and to renew the license. At this time I do not have the documentation that is required to complete my review. In order to renew your license and name Brian Slake as RSO, I must have the documentation detailed in my previous email (including the Delegation of Authority) submitted with an NRC form 313 or a signed and dated cover letter by close of business on Monday November 4, 2019. I will be in the office all day on Monday if you need me to answer any questions or provide any clarification.

Thank you,
Erin

From: Mark Behrens <mbehrens@terrasitedev.com>
Sent: Friday, November 01, 2019 3:09 PM
To: Kennedy, Erin <Erin.Kennedy@nrc.gov>
Subject: [External_Sender] RE: RE: RE: Additional Information Needed for Renewal of you NRC License

Erin,

I did email you the Delegation of Authority info. Earlier this week
Did you not receive?

Thks

Mark Behrens
Principal - Engineering & Land Surveying Services



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From: Kennedy, Erin <Erin.Kennedy@nrc.gov>

Sent: Friday, November 1, 2019 3:51 PM

To: Mark Behrens <mbehrens@terrasitedev.com>

Cc: Pelke, Patricia <Patricia.Pelke@nrc.gov>

Subject: RE: RE: RE: Additional Information Needed for Renewal of you NRC License

Good Afternoon Mark,

I attempted to call you on your cell phone, but I did not reach you. I still have not received the information that I need to complete the renewal of your NRC Materials License. **I must have all of the information no later than Close of Business on Monday, November 4, 2019.**

As we have previously discussed I will need the following information in order to complete my review:

1. **Complete NRC Form 313 Items 1, 2, 3, 4, and 13** *Please note*, portable gauge licensee need to specifically request to use the portable gauge at temporary jobsites.
2. **Attach Responses to NRC Form 313 Items 5 through 11 to the completed NRC Form 313.** For the convenience and streamlined handling of portable gauge applications, licensees 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 supporting information. I have attached a fillable PDF copy of this checklist to this email. If you choose to use this checklist please note:

a. For Items 5 and 6 provide:

- **Each radionuclide and maximum activity of each source** per gauge model, and confirmation that the activity per source and maximum activity per gauge will not exceed the maximum activity listed in the approved certificate of registration issued by the NRC or by an Agreement State.
- **Manufacturer (or distributor) and model number** for each type of gauge.
- **Maximum number of gauges to be possessed and used under the license**, by manufacturer and model number.
- **Purpose for which the gauges will be used**, such as "to measure physical properties of materials," and confirmation that all gauges will be used as listed in accordance with the applicable and approved certificate of registration issued by the NRC or by an Agreement State.

b. For Items 9 provide:

- **A Facility diagram.** The diagram should be drawn to scale and include the use of adjacent areas (including above and below), and information relevant to public dose and security. Additional information regarding public dose and security is discussed in Sections 8.10.5, "Public Dose," and 8.10.6, "Operating, Emergency, and Security Procedures," to NUREG 1556, Vol. 1, Rev. 2.

c. For Item 10.8 *please note*: there are two checkboxes in this section, one for Routine Cleaning and Operation and one for Nonroutine Maintenance. You will

need to make a selection for each.

To Name a new Radiation Safety Officer (RSO) on the license:

3. **The name and contact information** for the proposed individual, please include an email address and a direct phone number if possible.
4. **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.
5. **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. A sample Delegation of Authority memo is available in Appendix D, "Typical Duties and Responsibilities of the Radiation Safety Officer," to NUREG 1556 Vol. 1, Rev. 2.

If you have any questions about the information that you need to submit to me in order to complete your renewal, please call me.

Thank you,

Erin Kennedy

U.S. Nuclear Regulatory Commission, Region III
Health Physicist- Materials Licensing
Email: erin.kennedy@nrc.gov
Office: 630-829-9876

From: Mark Behrens <mbehrens@terrasitedev.com>

Sent: Wednesday, October 30, 2019 3:54 PM

To: Kennedy, Erin <Erin.Kennedy@nrc.gov>

Subject: [External_Sender] RE: RE: Additional Information Needed for Renewal of you NRC License

Erin,

Pls find the RSO – Delegation of Authority Memo attached for your records.
Working on remainder of the renewal items.

Thks

Mark Behrens, BSCE
Principal - Geotechnical Engineering & Construction Services



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From: Kennedy, Erin <Erin.Kennedy@nrc.gov>

Sent: Thursday, September 19, 2019 4:56 PM

To: Mark Behrens <mbehrens@terrasitedev.com>

Subject: RE: RE: Additional Information Needed for Renewal of you NRC License

Good Afternoon Mr. Behrens,

I would be happy to discuss your renewal at 3:00pm tomorrow. You can give me a call in my office on my direct line at 630-829-9876.

For your convenience I have provided some Q&A's and I have attached model documents that will facilitate our discussion. I will go over these with you tomorrow so that you know exactly what I need to continue my review. Let me know if you have any questions.

How do I renew my Radioactive Materials License?

6. **Complete NRC Form 313 Items 1, 2, 3, 4, and 13 and submit to the appropriate Regional Office.** As noted above, the form must be signed by a duly authorized individual. *Please note*, portable gauge licensee need to specifically request to use the portable gauge at temporary jobsites.
7. **Attach Responses to NRC Form 313 Items 5 through 11 to the completed NRC Form 313.** For the convenience and streamlined handling of portable gauge applications, licensees 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 supporting information. I have attached a fillable PDF copy of this checklist to this email. If you choose to use this checklist please note that I will need the fol

For Items 5 and 6 provide:

- **Each radionuclide and maximum activity of each source** per gauge model, and confirmation that the activity per source and maximum activity per gauge will not exceed the maximum activity listed in the approved certificate of registration issued by the NRC or

by an Agreement State.

- **Manufacturer (or distributor) and model number** for each type of gauge.
- **Maximum number of gauges to be possessed and used under the license**, by manufacturer and model number.
- **Purpose for which the gauges will be used**, such as "to measure physical properties of materials," and confirmation that all gauges will be used as listed in accordance with the applicable and approved certificate of registration issued by the NRC or by an Agreement State.

For Items 9 provide:

- **A Facility diagram.** The diagram should be drawn to scale and include the use of adjacent areas (including above and below), and information relevant to public dose and security. Additional information regarding public dose and security is discussed in Sections 8.10.5, "Public Dose," and 8.10.6, "Operating, Emergency, and Security Procedures," to NUREG 1556, Vol. 1, Rev. 2.

For Item 10.8 *please note*: there are two checkboxes in this section, one for Routine Cleaning and Operation and one for Nonroutine Maintenance. You will need to make a selection for each.

What information is needed to list a Radiation Safety Officer (RSO) on the license?

8. **The name and contact information** for the proposed individual, please include an email address and a direct phone number if possible.
9. **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.
10. **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. A sample Delegation of Authority memo is available in Appendix D, "Typical Duties and Responsibilities of the Radiation Safety Officer," to NUREG 1556 Vol. 1, Rev. 2. For your convenience I have attached a copy of this document to this email.

Thank you so much for scheduling a meeting with me,

Erin Kennedy

U.S. Nuclear Regulatory Commission, Region III
Health Physicist- Materials Licensing
Email: erin.kennedy@nrc.gov
Office: 630-829-9876

From: Mark Behrens <mbehrens@terrasitedev.com>

Sent: Thursday, September 19, 2019 1:23 PM

To: Kennedy, Erin <Erin.Kennedy@nrc.gov>

Subject: [External_Sender] RE: Additional Information Needed for Renewal of you NRC License

Good Afternoon Ms. Kennedy,

Sorry for delay in response – yes crazy busy.

Can we pls talk at 3pm tomorrow eastern time?

In the meantime can you pls send me a form so I can register or move our RSO to a new RSO within our company.

Our previous RSO has gone into semi-retirement, but plans to retire full time soon.

Thks

Mark Behrens

Principal - Geotechnical Engineering & Construction Services



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From: Kennedy, Erin <Erin.Kennedy@nrc.gov>

Sent: Thursday, September 19, 2019 1:15 PM

To: Mark Behrens <mbehrens@terrasitedev.com>

Subject: Additional Information Needed for Renewal of you NRC License

Good Morning Mr. Behrens,

I have attempted to reach out to you several times this week, but I have been unsuccessful. I have reviewed your application for renewal of your NRC materials license and I will need some additional information to complete my review. I understand this is a busy time of year for most portable gauge users, so I wanted to reach out via email to see if we could set up

a time to discuss your renewal which would not impact your schedule. Please let me know what would work best for you.

Thank you,

Erin Kennedy

U.S. Nuclear Regulatory Commission, Region III

Health Physicist- Materials Licensing

Email: erin.kennedy@nrc.gov

Office: 630-829-9876