



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

JAN 21 2020

Fred Schuman, RSO
Mid River Asphalt, Inc.
511 John Deere Lane
Troy, MO 63379

Dear Mr. Schuman:

This is in reference to your application dated November 27, 2019, for the renewal of Materials License #24-32768-01. Upon review of your application, I identified the following items needing additional or clarifying information:

1. Because a radioactive materials license is a legal document, we require license applications, amendment requests and all other license-related correspondence to be signed and dated by a person authorized to make legally binding statements for the licensee (i.e., a certifying official). Your title is not recognized as that of a certifying official. Therefore, have the response to this letter signed by an officer of your company, and have the response include confirmation that all of your previous statements are considered legally binding by Greg Blackmore, President. If you wish to correspond with this office in the future, have the certifying official also include confirmation that you have the authority to make legally binding statements in matters related to the above referenced license.
2. Your license currently authorizes use of licensed material at temporary job sites. Though, Item 3 of the submitted license application did not identify your intention to continue to use temporary job sites. Please confirm that you would like to retain the authority to continue to use portable gauging devices at temporary jobsites. For additional guidance and reference, you may refer to Section 8.3 of NUREG-1556, Vol. 1, Rev. 2.
3. The submitted facility diagram does not provide adequate information, which must include a description of all adjacent areas (including areas above and below) and information relevant to public dose and security.

Therefore, please provide a revised drawing or diagram providing greater detail. Identify all entrances and points of access, rooms, uses of the rooms, the location of the gauge storage area and its distance from occupied work areas. Include the direction of north and facility dimensions (or scale). Also, describe and label all adjacent areas to your facility (parking lot, neighboring buildings, streets, etc.). If your facility is a multistory and/or multitenant building, identify all floors and their uses, including areas occupied by other tenants.

In addition, submit greater detail on your storage area. If the gauges are stored in a cabinet or similar container, submit a diagram and description of the container and describe how it is secured to prevent its removal. For additional guidance and reference, you may refer to Section 8.9 of NUREG-1556, Vol. 1, Rev. 2.

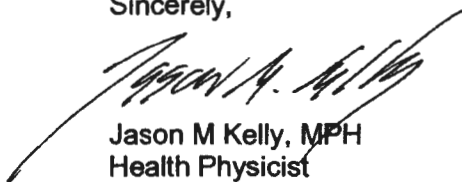
4. Describe the security measures in place at your facility to prevent unauthorized access or removal of your portable gauging devices (e.g., building locks, security system, fences, etc.). Note that a minimum of two independent physical controls that form tangible barriers must be used to secure portable gauges from unauthorized removal. For additional guidance and reference, you may refer to Section 8.9 of NUREG-1556, Vol. 1, Rev. 2, and 10 CFR 30.34(i), "Security requirements for portable gauges."
5. As the designated Radiation Safety Officer (RSO), you are responsible for the oversight of licensed operations on a day-to-day basis. You must be provided with sufficient organizational authority and management prerogative to enforce appropriate radiation protection rules, standards, and practices. To formally document the organizational authority of your office, submit a current delegation of authority signed by a management representative. You may use the enclosed example Delegation of Authority to Radiation Safety Officer from Appendix D, "Typical Duties and Responsibilities of the Radiation Safety Officer," from NUREG-1556, Vol. 2, Rev. 1.

For your reference, the program specific guidance for your license is NUREG-1556, Volume 1, Rev. 2 dated June 2016. This guidance is available on the NRC Web site at:
<https://www.nrc.gov/docs/ML1617/ML16175A375.pdf>

To continue the review of your amendment request, please submit a written response to this letter by February 21, 2020. Your response must be dated and signed by a licensee's representative and please reference Mail Control Number 617139 in the response. To expedite the licensing process, you may fax your response to (630) 515-1078. If you have any questions, you may contact me at (630) 829-9737 or Jason.Kelly@nrc.gov.

In accordance with Title 10 of the *Code of Federal Regulations* Section 2.390 of the U.S. Nuclear Regulatory Commission's (NRC) "Rules of Practice," a copy of this letter and enclosures 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,



Jason M Kelly, MPH
Health Physicist
Materials Licensing Branch

License No. 24-32768-01
Docket No. 030-38161
Control No. 617139

Enclosure(s): As Stated

APPENDIX D

**TYPICAL DUTIES AND RESPONSIBILITIES OF THE
RADIATION SAFETY OFFICER**

Typical Duties and Responsibilities of the Radiation Safety Officer

The radiation safety officer's (RSO's) duties and responsibilities (illustrated in Figure 8-1) typically include ensuring the following:

- Licensed activities that the RSO considers unsafe are stopped.
- Possession, use, storage, and maintenance of sources and gauges are consistent with the limitations in the license, the Sealed Source and Device registration certificate(s), and the manufacturer's recommendations and instructions.
- Individuals who use gauges are properly trained.
- Radiation exposures are kept as low as is reasonably achievable (ALARA).
- Prospective evaluations are performed to demonstrate that unmonitored individuals are not likely to receive a radiation dose in excess of the limits in 10 CFR 20.1502(a) or that personnel monitoring devices are provided.
- When necessary, personnel monitoring devices are used and exchanged at the proper intervals, and records of the results of such monitoring are maintained.
- Up-to-date operating, emergency, and security procedures are developed, implemented, maintained, and distributed.
- Safety consequences of nonroutine operations are analyzed before conducting any such activities that have not been previously analyzed.
- Nonroutine operations are performed by the manufacturer, distributor, or person specifically authorized by the U.S. Nuclear Regulatory Commission (NRC) or an Agreement State.
- Documentation is maintained to demonstrate, by measurement or calculation, that the total effective dose equivalent to the individual member of the public likely to receive the highest dose from the licensed operation does not exceed the annual limit in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 20.1301, "Dose limits for individual members of the public."
- Gauges are properly secured.
- Proper authorities are notified in case of accident, damage to, or malfunction of gauges, fire, loss, or theft.
- Unusual occurrences involving the gauge (e.g., malfunctions, accident, damage, theft) are investigated, cause(s) are determined, and appropriate corrective action(s) are identified, and corrective action taken.

- Audits are performed at least annually and documented, and corrective actions are taken.
- When the licensee identifies violation(s) of regulations or license conditions or program weaknesses, corrective action(s) are developed, implemented, and documented.
- Licensed material is transported in accordance with all applicable NRC and U.S. Department of Transportation requirements.
- Licensed material is disposed of properly.
- All required records are maintained.
- An up-to-date license is maintained, and amendment and renewal requests are submitted in a timely manner.
- Documents are posted as required by 10 CFR 19.11, "Posting of notices to workers," (10 CFR Part 19, license documents, operating procedures, NRC Form 3, "Notice to Employees,"), and 10 CFR 21.6, "Posting Requirements," (10 CFR Part 21 Section 206 of the Energy Reorganization Act of 1974, procedures adopted under Part 21), or a noted is posted indicating where these documents can be examined.

Model Delegation of Authority to Radiation Safety Officer

Memo To: Radiation Safety Officer
From: Chief Executive Officer
Subject: Delegation of Authority

You, _____, have been appointed radiation safety officer and are responsible for ensuring the safe use of radiation. You are responsible for managing the Radiation Protection Program; identifying radiation protection problems; initiating, recommending, or providing corrective actions; verifying implementation of corrective actions; stopping unsafe activities; and ensuring compliance with regulations. You are hereby delegated the authority necessary to meet those responsibilities, including prohibiting the use of byproduct material by employees who do not meet the necessary requirements and shutting down operations, when justified, to maintain radiation safety. You are required to notify management if staff does not cooperate and does not address radiation safety issues. In addition, you are free to raise issues with the U.S. Nuclear Regulatory Commission at any time. It is estimated that you will spend _____ hours per week conducting radiation protection activities.

Signature of Management Representative

Date

I accept the above responsibilities,

Signature of Radiation Safety Officer

Date

cc: Affected department heads