



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

March 15, 2021

Kyle Frye
Quality Control Manager
Emery Sapp & Sons, Inc.
2301 I-70 Dr. NW
Columbia, MO 65202

Dear Mr. Frye:

This letter is in reference to your request dated January 15, 2021, for an amendment to your Materials License No. 24-32751-01.

The NRC's guidance document for your proposed type of license, which I refer to below as "the guidance", is NUREG-1556, Volume 1, Rev. 2, dated June 2016, "Consolidated Guidance About Materials Licenses, Program – Specific Guidance About Portable Gauge Licenses." This guidance is available on the NRC Web site at:

<https://www.nrc.gov/docs/ML1617/ML16175A375.pdf>

Upon review of your letter, I identified the following areas where additional or clarifying information is needed:

1. Your request made reference to NRC Form 313, "Application for Materials License," containing changes to Item 3 and Items 5 - 11.

Upon review of your request, no enclosed copy of NRC Form 313, "Application for Materials License," was located with your submission.

Please resubmit your request with a properly completed and signed copy of the referenced NRC Form 313. Alternatively, you may submit your request on signed company letterhead. Please note that all licensing correspondence must be signed and dated by a management representative.

2. You requested the addition of a permanent storage location of portable gauging devices.

Checks with multiple internet search engines, including Bing Maps, DuckDuckGo Maps and Google Maps, were not successful in locating the proposed site.

As indicated in Section 8.3, "Item 3: Address(es) Where Licensed Material Will Be Used or Possessed," please provide a descriptive address for the location (i.e., direction and distance to a nearby intersection). If available, please also provide the global positioning coordinates for this requested location. Include available contact information for this location (e.g., office telephone and/or fax number).

3. Your request included a drawing of the proposed additional permanent storage location of portable gauging devices.

The provided drawing did not include sufficient detail and description relevant to public dose and security as discussed in Sections 8.10.5, "Public Dose," and 8.10.6, "Operating, Emergency, and Security Procedures," of the guidance.

Please submit a detailed drawing of your facility, identifying all entrances and points of access, rooms, uses of the rooms and the location of the gauge storage area. 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 drawing and/or description of the container.

4. You requested the removal of a permanent storage location from your license.

Your request did not include documentation of the transfer/disposal of sealed sources and portable gauging devices previously stored at that location and records demonstrating the absence of residual radioactive contamination, which are needed before the former location can be approved for release to unrestricted use.

Please provide the following information in support of your request to remove the permanent storage location from your license:

- Submit records of transfer and/or disposal for all sealed sources or portable gauging devices previously stored at the former location. If transferred outside of your organization, please provide a copy of the transferee's license and a letter confirming receipt of the transferred portable gauging devices.
- Submit current Leak Test Reports for all sealed sources or portable gauging devices previously stored at the former location.
- Describe any incidents involving ruptured, leaking or lost sealed sources or portable gauging devices along with any other incidents involving radioactive materials at the former permanent storage location.

5. You are requesting to add additional types of portable gauging devices and to increase the number of portable gauging devices authorized by your license.

In support of your request, you completed and provided a copy of Items 5 and 6 of the Appendix B, "Suggested Format for Providing Information Requested in Items 5 through 11 of U.S. Nuclear Regulatory Commission Form 313," from the guidance. Some of the information provided in your request is not viewable apart from the electronic Adobe PDF.

Please resubmit your request presenting all information such that it can be viewed apart from the electronic Adobe PDF. This might be accomplished by supplementing your request with additional pages.

6. You are requesting to add authorization for the Troxler Electronic Laboratories, Inc., Model 4640 thin layer density gauging device and the Model 3241-C asphalt content gauging device.

Your request does not identify the manufacturer and model number of the applicable sealed sources to be authorized for use with the requested portable gauging devices.

To ensure that requested devices are properly licensed, please provide the manufacturer and model number of each sealed source to be approved for use with each type of portable gauging device included in your request.

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

To continue review of your request, please submit your response within 15 calendar days from the date of this letter. In your response, please refer to the license, docket, and control number specified below. If no response is received within the specified timeframe noted above, it will be assumed that you do not wish to proceed with the requested licensing action.

If you have questions, require additional time to respond, or require clarification on any of the information stated above, you may contact me at jason.kelly@nrc.gov or (630) 829-9737.

Sincerely,

Jason M. Kelly, MPH
Health Physicist
Materials Licensing Branch

License No. 24-32751-01
Docket No. 030-38051
Control No. 624314