



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

June 26, 2006

Applied Geotechnical Engineering
Consultants, Inc.
ATTN: Thomas R. Atkinson
Radiation Safety Officer
600 West Sandy Parkway
Sandy, Utah 84070

SUBJECT: LICENSE AMENDMENT

Please find enclosed Amendment No. 04 to License No. 43-27062-01 **naming you Radiation Safety Officer as requested. This amendment also acknowledges AGECE's locations of use in Agreement States as described in your letter dated May 23, 2006. Please note that locations of use in Agreement States cannot be authorized in an NRC license. Such locations of use must be authorized by each individual Agreement State.**

The possession limits authorized in this license under conditions 8.A. and 8.B. were updated to reflect your current and future business needs. Such quantities are above the International Atomic Energy Agency's Category 3 amounts of radioactive material. Possession of radioactive material in quantities above the Category 3 thresholds indicates that the license cannot be made publicly available after issuance since it does meet the Sensitive Unclassified Non-Safeguards Information criteria as described in NRC's Regulatory Issue Summary (RIS) 2005-31. RIS 2005-31 provides criteria to identify security-related sensitive information and guidance for handling and marking such documents. This ensures that potentially sensitive information is not made publicly available through NRC's electronic document system (ADAMS). RIS 2005-31 can be found at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/>. Pursuant to NRC's RIS 2005-31, the enclosed materials license will not be made publicly available.

10 CFR 30.34, Terms and conditions of licenses, was revised in 2005 to enhance the security requirements for portable gauges. Revised 10 CFR 30.34 now requires that "each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee" (i.e., when not in use). Guidance on these security procedures is provided in the errata sheet for Appendix H of NUREG-1556, Volume 1, revision 1, found in <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v1/r1/>.

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14)(viii). You should review this license carefully to understand all conditions. Contact me at 817-860-8189 if you have any questions.

NRC expects licensees to conduct their programs with meticulous attention to detail and a high standard of compliance. Because of the serious consequences to employees and the public that can result from failure to comply with NRC requirements, you must conduct your radiation safety program according to the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate by NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspection and Investigations," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Notify NRC in writing of any change in mailing address.
3. By 10 CFR 30.36(d) and/or license condition, notify NRC, promptly, in writing, and request termination of the license:
 - a. When you decide to terminate all activities involving materials authorized under the license whether at the entire site or any separate building or outdoor area; or
 - b. If you decide not to acquire or possess and use authorized material; or
 - c. When no principal activities under the license have been conducted for a period of 24 months.
4. Request and obtain a license amendment before you:
 - a. Change Radiation Safety Officers;
 - b. Order byproduct material in excess of the amount, radionuclide or form authorized on the license;
 - c. Add or change the areas or address(es) of use identified in the license application or on the license; or
 - d. Change the name or ownership of your organization.
5. Submit a complete renewal application or termination request at least 30 days before the expiration date on your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of radioactive material after your license expires is a violation of NRC regulations.

In addition, please note that NRC Form 313 requires the applicant, by signature, to verify that the applicant understands that all statements contained in the application are true and correct to the best of the applicant's knowledge. The signatory for the application should be the licensee or certifying official rather than a consultant. Since the NRC also accepts a letter requesting amendment or renewal of an NRC license, the signatory for such a request should also be the licensee or certifying official rather than a consultant.

NRC will periodically inspect your radiation safety program. Failure to conduct your program according to NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC may result in enforcement action against you. This could include issuance of a notice of violation; imposition of a civil penalty; or an order suspending, modifying, or revoking your license as specified in the NRC Enforcement Policy.

The NRC no longer publishes the NRC Rules and Regulations loose leaf supplements due to budget constraints. However, an electronic version of the NRC's regulations is available on the NRC Web site at www.nrc.gov. To view these regulations, highlight "Electronic Reading Room" and choose "Regulations" on the drop down menu. An electronic version of the NUREG-1556 Series publications is also available on the NRC Web site. To view these guidance documents, highlight "Electronic Reading Room"; choose "All Document Types" on the drop down menu; scroll down to "NUREG-Series Publications"; and select "Publications Prepared by the NRC Staff". Then, choose "NUREG-1556" from the table and select the appropriate volume(s) for your license type.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this cover letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Thank you for your cooperation.

Sincerely,

/RA/

Roberto J. Torres, Senior Health Physicist
Nuclear Materials Licensing Branch

Docket: 030-32097
License: 43-27062-01
Control: 470996

Enclosures: As stated