

MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

301594

Licensee

1. Barrett Paving Materials, Inc.

2. 2551 Needmore Road
Dayton, Ohio 45414In accordance with letter dated
June 28, 19963. License Number 34-20119-01 is amended in
its entirety as follows:

4. Expiration Date March 31, 2003

5. Docket or
Reference No. 030-179856. Byproduct, Source, and/or
Special Nuclear Material7. Chemical and/or Physical
Form8. Maximum Amount that Licensee
May Possess at Any One Time
Under This License

A. Cesium-137

A. Sealed source (Troxler
Dwg. No. A-102112)A. No single source to
exceed 10 millicuries

B. Americium-241

B. Sealed source (Troxler
Dwg. No. A-102451)B. No single source to
exceed 50 millicuries

C. Cesium-137

C. Sealed source
(Seaman Nuclear Drawing
No. 5118-083)C. No single source to
exceed 10 millicuries

D. Americium-241

D. Sealed source
(Seaman Nuclear Drawing
No. 5118-083)D. No single source to
exceed 50 millicuries

E. Americium-241

E. Sealed source (Troxler
Dwg. No. 100608)E. No single source to
exceed 100
millicuries9611060147 960723
PDR ADOCK 03017985
C PDR

9. Authorized Use:

A. and B. To be used in Troxler Model 3400 series surface moisture-density gauge for measurements on construction materials.

C. and D. To be used in Seaman Nuclear Model C-200 portable moisture/density gauges.

E. To be used in Troxler Model No. 3241-C gauge for asphalt content measurements.

060020

CONDITIONS

10. Licensed material may be stored at 2551 Needmore Road, Dayton, Ohio and may be used at temporary job sites of the licensee anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material.

COPY 230

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

34-20119-01

Docket or Reference Number

030-17985

Amendment No. 10

11. Licensed material shall be used by, or under the supervision and in the physical presence of, individuals who have completed the gauge manufacturer's training course and have been designated by the licensee's Radiation Protection Officer. The licensee shall maintain records of the individuals who have been designated as authorized users.
12. The Radiation Safety Officer for the activities authorized by this license is David Scruggs.
13. A. (1) The source(s) specified in Item(s) 7.A. through 7.E. shall be tested for leakage and/or contamination at intervals not to exceed 6 months. Any source received from another person which is not accompanied by a certificate indicating that a test was performed within 6 months before the transfer shall not be put into use until tested.
(2) Notwithstanding the periodic leak test required by this condition, any licensed sealed source is exempt from such leak tests when the source contains 100 microcuries or less of beta and/or gamma emitting material or 10 microcuries or less of alpha emitting material.
B. Any source in storage and not being used need not be tested. When the source is removed from storage for use or transfer to another person, it shall be tested before use or transfer.
C. The test shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie or more of removable contamination, the source shall be removed from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. A report shall be filed within 5 days of the date the leak test result is known with the U.S. Nuclear Regulatory Commission, Region III, 801 Warrenville Road, Lisle, Illinois 60532-4351, ATTN: Chief, Nuclear Materials Safety Branch. The report shall specify the source involved, the test results, and corrective action taken. Records of leak test results shall be kept in units of microcuries and shall be maintained for inspection by the Commission. Records may be disposed of following Commission inspection.
D. The licensee is authorized to collect leak test samples for analysis by Troxler or tests for leakage and/or contamination shall be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.
14. Sealed sources containing licensed material shall not be opened or removed from the gauges by the licensee.
15. When performing tests at temporary job sites, the authorized user shall not leave the moisture/density gauge unattended. Upon completion of tests the device shall be locked in the licensee's vehicle or a secure building to prevent unauthorized use, loss or theft.

COPY

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

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Amendment No. 10

16. The licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license. Records of inventories shall be maintained for 2 years from the date of each inventory.
17. The licensee may transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
18. Any cleaning, maintenance or repair of the gauge(s) that requires removal of the source rod shall be performed only by the manufacturer or by other persons specifically licensed by the Commission or an Agreement State to perform such services.
19. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified in 10 CFR 30.35(d) for establishing decommissioning financial assurance.
20. The licensee shall maintain records of information important to safe and effective decommissioning at the location listed in item 2 of this license per the provisions of 10 CFR 30.35(g) until this license is terminated by the Commission.
21. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents including any enclosures, listed below. The Nuclear Regulatory Commission's regulations shall govern unless the statements, representations and procedures in the licensee's application and correspondence are more restrictive than the regulations.
 - A. Application dated September 9, 1991; and
 - B. Letters dated March 3, 1992 with attachments, April 11, 1995, and June 28, 1996.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date 7/23/96

By

James Mulbaues
Nuclear Materials Licensing Branch, Region III

COPY

BETWEEN:

LICENSE FEE MANAGEMENT BRANCH, ARM
AND
REGIONAL LICENSING SECTIONS

(FOR LFMS USE)
INFORMATION FROM LTS

R4

PROGRAM CODE: 03121
STATUS CODE: 0
FEE CATEGORY: 3P
EXP. DATE: 20020331
FEE COMMENTS:
DECOM FIN ASSUR REGD: N

1996 JUL 22 PM 1:43

LICENSE FEE TRANSMITTAL

A. REGION

1. APPLICATION ATTACHED

APPLICANT/LICENSEE: BARRETT PAVING MATERIALS, INC.
RECEIVED DATE: 960715
DOCKET NO: 3017985
CONTROL NO.: 301594
LICENSE NO.: 34-20119-01
ACTION TYPE: AMENDMENT

2. FEE ATTACHED

AMOUNT: 290
CHECK NO.: 45145539

3. COMMENTS

SIGNED
DATE

M. P. [Signature]
7/16/96

B. LICENSE FEE MANAGEMENT BRANCH (CHECK WHEN MILESTONE 03 IS ENTERED ☒)

1. FEE CATEGORY AND AMOUNT:

3P \$300

2. CORRECT FEE PAID, APPLICATION MAY BE PROCESSED FOR:

AMENDMENT ☒
RENEWAL
LICENSE

3. OTHER

SIGNED
DATE

SC
10/15/96

Log	Jul 12 711
Transmitter	
Check No.	45145539 / 45146242
Amount	\$290 + \$10
Fee Category	3P
Type of Fee	AmD
Date Check Rec'd	7/22/96
Date Completed	10/15/96
By:	SC

OCT 23 1996



BARRETT PAVING MATERIALS INC.

2551 NEEDMORE ROAD • DAYTON, OHIO 45414 • P.O. BOX 14591 • DAYTON, OHIO 45413-0591 • PHONE (513) 279-3200
FAX (513) 279-3205

June 28, 1996

**UNITED STATES NUCLEAR REGULATORY
COMMISSION**

Region III
801 Warrenville Road
Lisle, Illinois 60532-4351

ATTN: Mr. James R. Mullauer, M.H.S.
Health Physicist
Nuclear Materials Licensing Section

RE: AMENDMENT REQUEST - LICENSE NO. 34-20119-01

Dear Mr. Mullauer:

Barrett Paving Materials Inc., in Dayton, Ohio, has changed their Radiation Dosimetry Report from monthly film badge readings to quarterly readings, type K-TDL. This service is still being monitored by Landauer in Glenwood, Illinois.

Enclosed please find the payment for this change.

Should you have any questions, please call me.

Sincerely,

BARRETT PAVING MATERIALS INC.

David Scruggs
Radiation Safety Officer

DS:bsb

Enclosure

Cc: File

Pm; 7-9-96

RECEIVED

JUL 15 1996

REGION III

JUL 15 1996

CORPORATE OFFICE: THREE BECKER FARM ROAD • ROSELAND, NJ 07068

MANUFACTURERS AND SUPPLIERS OF BITUMINOUS CONCRETE, AGGREGATE, CONSTRUCTION CONTRACTORS

Equal Opportunity Employer

301594

LICENSE FEE REQUIREMENTS

COPY
LICENSE FEE AND DEBT COLLECTION BRANCH
DIVISION OF ACCOUNTING AND FINANCE
OFFICE OF THE CONTROLLER
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001BARRETT PAVING MATERIALS, INC.
ATTN: DAVID SCRUGGS
RADIATION SAFETY OFFICER
2551 NEEDMORE ROAD
DAYTON, OHIO 45414

TYPE OF ACTION

- ☐ NEW LICENSE
☐ RENEWAL OF LICENSE
☒ AMENDMENT TO LICENSE

REQUESTED DATE

6-28-96

LICENSE NUMBER

34-20119-01

CONTROL NUMBER

301594

I. APPLICATION FEE DUE

Your request for a licensing action is subject to the fee(s) in the category(ies) noted below in accordance with Section 170.31 of the enclosed Federal Register notice. Payment of the fee is required prior to the issuance of the license, renewal, or amendment.

FEE CATEGORY	APPLICATION	RENEWAL	AMENDMENT
3P	\$	\$	\$ 300.00
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

FEE(s) DUE	\$	300.00
PAYMENT RECEIVED	\$	290.00
AMOUNT DUE	\$	10.00

☐ Your request was received without the prescribed application fee.

☒ We received your Check No. 45145539 in the amount of \$ 290.00. Payment of the additional fee noted above is required.

☐ Your request will increase the scope of your license program. Therefore, your request is subject to the application fee(s) noted above. Refer to Section 170.31 and Footnote 1(d)(2).

☐ Your license expired prior to the receipt of your application for renewal. Therefore, your request is subject to the application fee(s) noted above. Refer to Section 170.31 and Footnote 1(a).

MAKE PAYMENT OF THE FEE(S) TO THE U.S. NUCLEAR REGULATORY COMMISSION AND MAIL THE PAYMENT TO THE ADDRESS LISTED AT THE TOP OF THIS FORM. IF WE DO NOT RECEIVE A REPLY FROM YOU WITHIN 30 CALENDAR DAYS FROM THE DATE LISTED BELOW, WE SHALL ASSUME THAT YOU DO NOT WISH TO PURSUE YOUR APPLICATION AND WILL VOID THIS ACTION.

SIGNATURE -- LICENSE FEE ANALYST

LFDCB

LFDCB

SHIRLEY CRUTCHFIELD

7/25/96

II. FEE NOT REQUIRED

☐ Enclosed is Check No. _____ which accompanied your request. The fee is not required because:

☐ We received your Check No. _____ in payment of the fee.

☐ The Licensing staff has informed us that your request is to be considered as a continuation of your request dated _____, Control No. _____

☐ Your request was combined, prior to review, with your _____ request, Control No. _____

III. CHECK RETURNED

☐ Enclosed is Check No. _____ which was returned to us by the bank for:

- ☐ INSUFFICIENT FUNDS
☐ ACCOUNT CLOSED
☐ OTHER

MAIL THE REPLACEMENT CHECK TO THE ADDRESS LISTED AT THE TOP OF THIS FORM AND REFERENCE THE ABOVE CONTROL NUMBER.

IV. LICENSE ISSUED WITHOUT THE REQUIRED FEE

☐ License No. _____, Amendment No. _____, issued on _____ was issued without the required fee being collected. The fee required is noted in Section I of this form.

☐ The scope of your licensed program was increased. Therefore, your request is subject to the application fee(s) noted in Section I of this form. Refer to Section 170.31 and Footnote 1(d)(2).

☐ Because of the urgency of your request, the license was issued without remittance of the prescribed fee noted in Section I of this form.

Distribution:

Pending Fee File

LFARB R/F (2)

OC/DAF/RF

OC/DAF/SF(LF-3.2.7)

Region 3

DATE

July 25, 1996

OCT 23 1996

David Scruggs
Radiation Safety Officer
Barrett Paving Materials, Inc.
2551 Needmore Road
Dayton, OH 45414

Dear Mr. Scruggs:

Enclosed is Amendment No. 10 to your NRC Material License No. 34-20119-01 in accordance with your request.

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.

Please note that in accordance with 10 CFR 30.36(2), the expiration dated on your NRC license has been extended 5 years and now reads March 31, 2003.

Please be advised that your license expires at the end of the day, in the month, and year stated in the license. Unless your license has been terminated, you must conduct your program involving byproduct materials in accordance with the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate in accordance with NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers; Inspections," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Notify NRC, in writing, within 30 days:
 - a. When the Radiation Safety Officer permanently discontinues performance of duties under the license or has a name change; or
 - b. When the licensee's mailing address changes (no fee is required if the location of byproduct material remains the same).
3. In accordance with 10 CFR 30.36(b) and/or license condition, notify NRC, promptly, in writing, and request termination of the license when you decide to terminate all activities involving materials authorized under the license.
4. Request and obtain a license amendment before you:
 - a. Change Radiation Safety Officers;

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- b. Order byproduct material in excess of the amount, or radionuclide, or form different than authorized on the license;
 - c. Add or change the areas of use or address or addresses of use identified in the license application or on the license; or
 - d. Change ownership of your organization.
5. Submit a complete renewal application with proper fee or termination request at least 30 days before the expiration date of your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of byproduct material after your license expires is a violation of NRC regulations. A license will not normally be renewed, except on a case-by-case basis, in instances where licensed material has never been possessed or used.

In addition, please note that NRC Form 313 requires the applicant, by his/her 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.

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 Policy and Procedures 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.

Sincerely,

Original Signed By
James R. Mullauer, M.H.S.
Health Physicist
Nuclear Materials Licensing Branch

License No. 34-20119-01
Docket No. 030-17985

Enclosure: Amendment No. 10

DOCUMENT NAME: M:\03017985.CL6

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	DNMS/RIII								
NAME	JRMullauer:brt								
DATE	07/ /96								

OFFICIAL RECORD COPY



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

July 16, 1996

David Scruggs
Radiation Safety Officer
Barrett Paving Materials, Inc.
2551 Needmore Road
Dayton, OH 45414

SUBJECT: ACKNOWLEDGEMENT OF CORRESPONDENCE
(☒ Letter ☒ Dated June 28, 1996)

Dear Licensee:

In response to your request, we have completed the initial processing, which is an administrative review of your application for a(ii):

☐ New License ☒ Amendment ☐ Renewal
☐ Termination ☐ Auth User (Amendment not required) ☐ QMP Revision
☐ Other _____

No administrative deficiencies were identified during this initial review. However, it should be noted that a technical review may identify omissions in the submitted information, technical issues that require additional information, or policy/technical issues that require coordination with headquarters or other NRC regional offices.

It appears that your request is routine (see 1-3 below, as applicable) and complete.

1. New and amendment actions are normally processed within 90 days, unless we find major deficiencies, or policy issues requiring central program office assistance.
2. Renewal actions are normally processed within 180 days, however, under timely filing (before expiration), you may continue to operate under your existing license.
3. Termination actions are normally processed within 90 days, unless confirmatory surveys following decontamination/decommissioning activities are involved.

A copy of your correspondence has been forwarded to our Licensing Fee and Debt Collection Branch (301/415-6097) for approval of the fee category and amount.

If you have a compelling safety or business-related reason for requesting expedited review, please contact the Materials Licensing Branch at (708) 829-9887. We will try to complete your request as soon as practicable. Any correspondence about this request should reference the control number.

Nuclear Materials Support Branch

Mail Control No. 301594
License No. 34-20119-01