

MATERIALS LICENSE

Amendment No. 03

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 purposes(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.

301693

Licensee		In accordance with letter dated July 19, 1996
1. Erie Materials, Inc.		3. License Number 34-24852-01 is amended in its entirety to read as follows:
2. P. O. Box 2308 4507 Tiffin Avenue Sandusky, OH 44870		4. Expiration Date April 30, 2002
		5. Docket or Reference No. 030-29709
6. Byproduct, Source, and/or Special Nuclear Material	7. Chemical and/or Physical Form	8. 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. Five sources not to exceed 10 millicuries each
B. Americium-241	B. Sealed source (Troxler Dwg. No. A-102451)	B. Five sources not to exceed 50 millicuries each
C. Americium-241	C. Sealed source (Troxler Dwg. No. A-100608)	C. Five sources not to exceed 100 millicuries each
9. Authorized Use:		
A. and B. To be used in Troxler Model 3400 Series surface moisture/density gauges.		
C. To be used in Troxler Model 3241 Series asphalt content gauge.		

CONDITIONS

10. Licensed material may be stored at 4507 Tiffin Avenue, Sandusky, Ohio, 9200 Portland Road, Sandusky, 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.
11. Licensed material shall be used by, or under the supervision and in the physical presence of, individuals who have successfully completed the device 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.

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**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

34-24852-01

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12. The Radiation Protection Officer for the activities authorized by this license is William Simon.
13. A. (1) The source(s) specified in Item(s) 7.A. through 7.C. 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, 799 Roosevelt Road, Glen Ellyn, Illinois 60137, 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

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16. The licensee shall conduct a physical inventory every six (6) months to account for all sealed sources received and possessed under the license. The records of the inventories shall be maintained for two (2) years from the date of the inventory for inspection by the Commission, and shall include the quantities and kinds of byproduct material, manufacturer's name and model numbers, location of sealed sources and the date of the 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. The licensee shall provide gauge users with whole body film badges or thermoluminescent dosimeters (TLDs) to be exchanged on a monthly or quarterly basis respectively.
19. 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.
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 received January 13, 1987 (facility diagram); and
 - B. Letters dated December 2, 1991, July 19, 1996 and November 27, 1996.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date

November 27, 1996

By

G. J. W. W. W.

Nuclear Materials Licensing Branch, Region III

COPY

BETWEEN:

LICENSE FEE MANAGEMENT BRANCH, ARM
AND
REGIONAL LICENSING SECTIONS

(FOR LFMS USE)
INFORMATION FROM LTS

S5

PROGRAM CODE: 03121
STATUS CODE: 0
FEE CATEGORY: 3P
EXP. DATE: 20020430
FEE COMMENTS:
DECOM FIN ASSUR REQD: N

LICENSE FEE TRANSMITTAL

A. REGION

1. APPLICATION ATTACHED
APPLICANT/LICENSEE: ERIE MATERIALS, INCORPORATED
RECEIVED DATE: 960807
DOCKET NO: 3029709
CONTROL NO.: 301693
LICENSE NO.: 34-24852-01
ACTION TYPE: AMENDMENT

2. FEE ATTACHED
AMOUNT: 0
CHECK NO.: 0

3. COMMENTS

SIGNED
DATE

8/7/96

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 9/11/96

Log	<u>Aug 6 11</u>
Remitter	<u>11817</u>
Check No.	<u>11817</u>
Amount	<u>\$300</u>
Fee Category	<u>3P</u>
Type of Fee	<u>AmD</u>
Date Check Rec'd	<u>9/11/96</u>
Date Completed	<u>9/11/96</u>
By	<u>SC</u>



GROUP OF COMPANIES

PHONE: (419) 625-7374

FAX: (419) 625-5751

4507 TIFFIN AVENUE
P.O. BOX 2308

SANDUSKY, OHIO 44870

July 19, 1996

U.S. Nuclear Regulatory Commission
Region III
Materials Licensing Division
801 Warrenville Road
Lisle, Illinois 60532-4351

RE: REQUEST FOR LICENSE AMENDMENT
NRC License No. 34-24852-01
Docket No. 030-29709

Dear Materials Licensing Division:

Please consider this letter as our request to amend the noted NRC License. We request the following amendments.

1. Licensee - Licensee name should be changed to "Erie Materials, Inc." due to name change. Address remains the same.
2. Condition No. 10 - Licensed materials, namely the Troxler Model No. 3241-C gauge, will now be permanently stored at 9200 Portland Road, Sandusky, Ohio 44870.
3. Condition No. 12 - The former Radiation Safety Officer, Siahn Thach, has resigned. The new Safety Officer will be William Simon.

Should you require anything further, please contact me.

Sincerely,

Robert P. Boehk
Erie Blacktop, Inc.

RPB:cb

RECEIVED

AUG 5 - 1996

REGION III

PM: 7-26-96

301693

SEP 16 1996

LICENSE FEE REQUIREMENTS

LICENSE FEE AND DEBT COLLECTION BRANCH
DIVISION OF ACCOUNTING AND FINANCE
OFFICE OF THE CONTROLLER
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001ERIE MATERIALS, INC.
ATTN: ROBERT P. BOEHK
4507 TIFFIN AVENUE
P. O. BOX 2308
SANDUSKY, OHIO 44870

TYPE OF ACTION

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

REQUESTED DATE

7-19-96

LICENSE NUMBER

34-24852-01

CONTROL NUMBER

301693

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	\$	0.00
AMOUNT DUE	\$	300.00

☒ Your request was received without the prescribed application fee.

☐ We received your Check No. _____ in the amount of \$ _____. 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.

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.

SIGNATURE -- LICENSE FEE ANALYST

LFDCB

LFDCB

Distribution:

Pending Fee File

OC/DAF/SF(LF-3.2.7)

DATE

LFARB R/F (2)

Region 3

Aug. 15, 1996

NOV 27 1996

Robert Boehk
Erie Materials, Inc.
P.O. Box 2308
4507 Tiffin Avenue
Sandusky, OH 44870

Dear Mr. Boehk:

Enclosed is Amendment No. 03 to your NRC Material License No. 34-24852-01 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 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
Gidget Watson
Nuclear Materials Licensing Branch

License No.: 34-24852-01

Docket No.: 030-29709

Enclosure: Amendment No. 03

DOCUMENT NAME: M:\03029709.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	GWATSON:jaw								
DATE	11/27/96 GHW								

OFFICIAL RECORD COPY

CONVERSATION RECORD

TIME

DATE

11/15/96

☐ VISIT☐ CONFERENCE☒ TELEPHONE☐ INCOMING☒ OUTGOING

NAME OF PERSON(S) CONTACTED OR IN CONTACT

Tom Shannon, Administrator
419/625-7374

ORGANIZATION (OFFICE, DEPT. ETC.)

Erie Materials

TELEPHONE NO.

SUBJECT

License No. 34-24852-01

SUMMARY

I requested the following additional information in regards to amendment request dated 7/19/96:

1. Inquired as to whether there was change of ownership. **Mr. Shannon stated that there was a name change only.**
2. Requested Mr. Simon's training certificate as well as confirmation that Mr. Simon is fully aware of all pertinent NRC Regulations.
3. A facility diagram of the new storage location, 9200 Portland Road, Sandusky, Ohio.

Mr. Shannon stated that he would forward the information ASAP.

11/27/96, Robert Boehk, Administrator

Mr. Boehk informed me that he desired 4507 Tiffin Ave. to remain as a location of use on the license. He also informed me that he would be sending the information requested previously via fax today followed by a hard copy.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

ACTION TAKEN



GROUP OF COMPANIES

PHONE: (419) 625-7374

FAX: (419) 625-5751

4507 TIEPIN AVENUE
P.O. BOX 2308

SANDUSKY, OHIO 44870

July 19, 1996

U.S. Nuclear Regulatory Commission
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Materials Licensing Division
801 Warrenville Road
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