

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, 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.

Licensee

1. Shears Construction Company

2. P.O. Box 1605
Hutchinson, Kansas 67504-1605In accordance with letter dated
December 10, 19963. License number 15-27046-02 is amended in
its entirety to read as follows:

4. Expiration date November 30, 2005

5. Docket or
Reference No 030-340026. 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 sources
registered either with
NRC under
10 CFR 32.210 or with
an Agreement State and
incorporated in a
compatible gauging
device as specified in
Item 9 of this licenseA. See Condition
9.A.

B. Americium-241

B. Sealed sources
registered either with
NRC under
10 CFR 32.210 or with
an Agreement State and
incorporated in a
compatible gauging
device as specified in
Item 9 of this licenseB. See Condition
9.B.9701290116 961231
PDR ADOCK 03034002
C PDR

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**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

15-27046-02

Docket or Reference Number

030-34002

Amendment No. 02

9. Authorized use

- A. and B. To be used, for measurement purposes, in compatible portable Troxler Electronic Laboratories, Inc. gauging devices that have been registered either with NRC under 10 CFR 32.210 or with an Agreement State and have been distributed in accordance with an NRC or Agreement State specific license authorizing distribution to persons specifically authorized by an NRC or Agreement State license to receive, possess, and use the devices.

CONDITIONS

10. Licensed material may be used at the licensee's facilities located at 829 Kellwood, Altus, Oklahoma, 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. A. Licensed material shall only be used by, or under the supervision and in the physical presence of, Dennis Argleben or individuals who have successfully completed the manufacturer's training program for gauge users, have received copies of, and training in, the licensee's operating and emergency procedures, and have been designated by the Radiation Safety Officer.
- B. The Radiation Safety Officer for this license is Dennis Argleben.
12. A. Sealed sources and detector cells shall be tested for leakage and/or contamination at intervals not to exceed 6 months or at such other intervals as specified by the certificate of registration referred to in 10 CFR 32.210 or by an Agreement State.
- B. Notwithstanding Paragraph A of this Condition, sealed sources designed to emit alpha particles shall be tested for leakage and/or contamination at intervals not to exceed 3 months.
- C. In the absence of a certificate from a transferor indicating that a leak test has been made within 6 months prior to the transfer, a sealed source or detector cell received from another person shall not be put into use until tested.
- D. Sealed sources need not be leak tested if:
- (i) they contain only hydrogen-3; or
 - (ii) they contain only a radioactive gas; or
 - (iii) the half-life of the isotope is 30 days or less; or

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- (iv) they contain not more than 100 microcuries of beta and/or gamma emitting material or not more than 10 microcuries of alpha emitting material; or
- (v) they are not designed to emit alpha particles, are in storage, and are not being used. However, when they are removed from storage for use or transferred to another person, and have not been tested within the required leak test interval, they shall be tested before use or transfer. No sealed source or detector cell shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.

E. The leak 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, a report shall be filed with the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 30.50(b)(2), and the source shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. The report shall be filed within 5 days of the date the leak test result is known with the U.S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, ATTN: Director, Division of Radiation Safety and Safeguards. The report shall specify the source involved, the test results, and corrective action taken.

F. The licensee is authorized to collect leak test samples for analysis by Troxler Electronic Laboratories, Inc. Alternatively, tests for leakage and/or contamination may be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.

- 13. Sealed sources or detector cells containing licensed material shall not be opened or sources removed from source holders by the licensee.
- 14. The licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.
- 15. Each portable gauge shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport, storage, or when not under the direct surveillance of an authorized user.
- 16. Except for maintaining labeling as required by 10 CFR Part 20 or 71, the licensee shall obtain authorization from NRC before making any changes in the sealed source, device, or source-device combination that would alter the description or specifications as indicated in the respective Certificates of Registration issued either by the Commission pursuant to 10 CFR 32.210 or by an Agreement State.
- 17. Any cleaning, maintenance, or repair of the gauges 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.

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18. The licensee is authorized to transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
19. The licensee shall not use sealed sources or probes containing sealed sources at depths exceeding 3 feet below the surface.
20. 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.
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 November 14, 1995
B. Letter dated May 23, 1996
C. Letter dated December 10, 1996

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date DEC 31 1996

By


Anthony D. Gaines
Nuclear Materials Licensing Branch
Region IV
Arlington, Texas 76011



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011 8064

December 31, 1996

Shears Construction Company
ATTN: Dennis Argleben
Radiation Safety Officer
P.O. Box 1605
Hutchinson, Kansas 67504-1605

SUBJECT: LICENSE AMENDMENT

Please find enclosed License No. 15-27046-02. You should review this license carefully and be sure that you understand all conditions. If you have any questions, you may contact the reviewer who signed your license at (817) 860-8252.

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 which can result from failure to comply with NRC requirements, you must conduct your program involving radioactive 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: Inspection and Investigations," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Possess radioactive material only in the quantity and form indicated in your license.
3. Use radioactive material only for the purpose(s) indicated in your license.
4. Notify NRC in writing of any change in mailing address (no fee required if the location of radioactive material remains the same).
5. Request and obtain written NRC consent before transferring your license or any right thereunder, either voluntarily or involuntarily, directly or indirectly, through transfer of control of your license to any person or entity. A transfer of control of your license includes not only a total change of ownership, but also a change in the controlling interest in your company whether it is a corporation, partnership, or other entity. In addition, appropriate license amendments must be requested and obtained for any other planned changes in your facility or program that are contrary to your license or contrary to representations made in your license application, as well as supplemental correspondence thereto, which are incorporated into your license. A license fee may be charged for the amendments if you are not in a fee-exempt category.

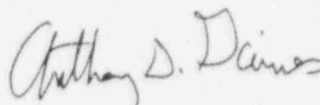
6. Maintain in a single document decommissioning records that have been certified for completeness and accuracy listing all the following items applicable to the license:
 - Onsite areas designated or formerly designated as restricted areas as defined in 10 CFR 20.3(a)(14) or 20.1003.
 - Onsite areas, other than restricted areas, where radioactive materials in quantities greater than amounts listed in Appendix C to 10 CFR 20.1001-20.2401 have been used, possessed, or stored.
 - Onsite areas, other than restricted areas, where spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site have occurred that required reporting pursuant to 10 CFR 30.50(b)(1) or (b)(4), including areas where subsequent cleanup procedures have removed the contamination.
 - Specific locations and radionuclide contents of previous and current burial areas within the site, excluding radioactive material with half-lives of 10 days or less, depleted uranium used only for shielding or as penetrators in unused munitions, or sealed sources authorized for use at temporary job sites.
 - Location and description of all contaminated equipment involved in licensed operations that is to remain onsite after license termination.
7. Submit a complete renewal application with proper fee, 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.
8. Request termination of your license if you plan to permanently discontinue activities involving radioactive material.

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; imposition of a civil penalty; or an order suspending, modifying, or revoking your license as specified in the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), 60 FR 34381, June 30, 1995.

Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Anthony D. Gaines". The signature is fluid and cursive, with the first name "Anthony" and last name "Gaines" clearly distinguishable.

Anthony D. Gaines
Health Physicist
Nuclear Materials Licensing Branch

Docket: 030-34002
License: 15-27046-02
Control: 466271

Enclosures: As stated

DOCUMENT NAME: P:\coverlfr\15-27046.2cl

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

RIV:NMLB	N						
ADGaines	ADG						
12/ 31 /96							

OFFICIAL RECORD COPY

(FOR LEMS USE)
INFORMATION FROM LTS

BETWEEN:

License Fee Management Branch, ARM
and
Regional Licensing Sections

Program Code: 03121
Status Code: 0
Fee Category: 3P
Exp. Date: 20051130
Fee Comments:
Decom Fin Assur Req'd: N

LICENSE FEE TRANSMITTAL

A. REGION IV

1. APPLICATION ATTACHED

Applicant/Licensee: SHEARS, INC.
Received Date: 961213
Docket No.: 3034002
Control No.: 400271
License No.: 15-27046-02
Action Type: Amendment

2. FEE ATTACHED \$300.00

Amount
Check No.: 206267

3. COMMENTS

Signed
Date

Billie Guseynski
12/13/96

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered / - /)

1. Fee Category and Amount: 3P \$300

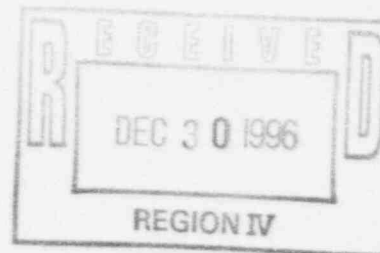
2. Correct Fee Paid. Application may be processed for:

Amendment ☒
Renewal ☐
License ☐

3. OTHER

Signed
Date

Pat Messier
12/17/96



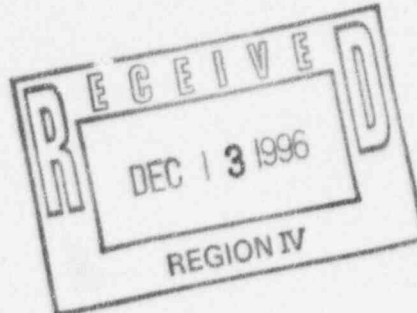
Name Change

Log	<u>Dec 21</u>
Remitter	
Check No.	<u>206267</u>
Amount	<u>\$300</u>
Fee Category	<u>3P</u>
Type of Fee	<u>Amcl</u>
Date Check Rec'd.	
Date Completed	<u>12/17/96</u>
By:	<u>Lem</u>



December 10, 1996

Christi Hernandez
Radiation Specialist
Nuclear Material Licensing Branch
U.S.N.R.C., Region IV
611 Ryan Drive, Suite 400
Arlington, TX 76011-8064



RE: LICENSE AMENDMENT REQUEST
LICENSE NUMBER 15-27046-02
DOCKET OR REFERENCE NUMBER 303-34002
PER IN 89-25, REV. 1

Dear Ms. Hernandez:

Item number 1: Effective January 1, 1997, Shears, Inc., name will be changed to Shears Construction Company (a corporation).

Item number 2: No changes

Item number 3: No changes

Item number 4: No changes

Item number 5: Currently Shears, Inc., is 100 percent owned by Superfos Construction (U.S.), Inc. *EFFECTIVE JANUARY 1, 1997*, 79 percent will be held by Shears Construction, L.P. (a limited partnership); 21 percent will be held by Superfos Investments, LTD, DBA as Shears Construction Company (a corporation).

Officers are:

Charles Jarvis - President
William Girard - Senior Vice President
Clifford Craig - Secretary and Treasurer

Please refer to organizational chart submitted with organizational license application.

Item number 6: No changes in organization. No changes in location. Change in storage facility located at 819 West First Street, Hutchinson, Kansas 67501, will be

HELPING TO BUILD KANSAS SINCE 1874

Charles L. Jarvis, PRESIDENT
Corporate Office • 1600 North Lorraine, Suite One • P.O. Box 1605
Hutchinson, Kansas 67504-1605 • 316-662-3307 • Fax: 316-662-3181

466271



moved to a different building at the same address. (See attached) No changes in equipment. No changes in procedures (operating or emergency).

Item number 7: No changes in use or possession. The only changes will be in storage facility (see attached).

Item number 8: No other changes except storage facility location.

Item number 9: All surveillance requirements and records (e.g. calibrations, leak tests, surveys, inventories and accountability requirements) will be current and maintained per the license agreements, at the time of transfer and there after.

Item number 10: Absence of contamination at licensed location.

Item number 11: N/A

Item number 12: N/A

Item number 13: Shears Construction Company agrees to abide by all committees and representations previously made to the NRC by the transferor per the license agreement and existing program.

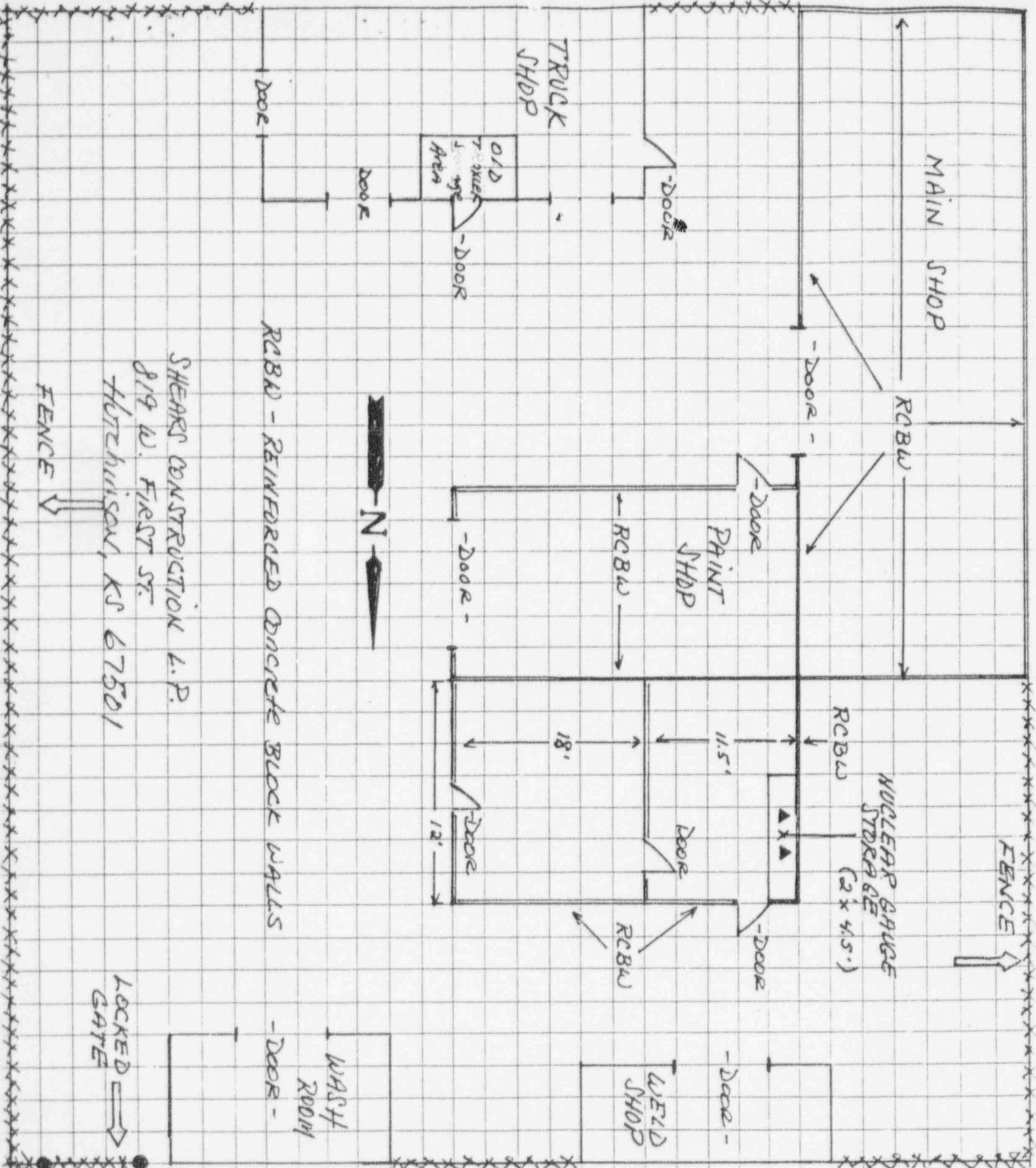
Item number 14: Yes, the transferor and transferee agree to the change in ownership or control of the licensed motion, activity, and the conditions of transfer; and the transferee is aware of all open inspection items and the responsibility for possible resulting enforcement actions.

Item number 15: Shears Construction Company will continue to abide by all constraints, conditions, requirements, representations, and commitments in the existing license.

Sincerely,
SHEARS, INC.

Dennis Argleben
Safety Manager

DA/so
Enc.



RECEIVED
DEC 13 1996
REGION IV

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