

MATERIALS LICENSE

Amendment No. 04

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 by product, 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.

302155

Licensee		In accordance with application dated May 22, 1996 (with attachments) 3. License Number 13-26289-01 is amended in its entirety to read as follows:	
1. Vanderburgh County Engineering Department			
2. 201 Northwest Fourth Street Suite 307 Old Vanderburgh County Courthouse Evansville, IN 47708		4. Expiration Date April 30, 2001	
		5. Docket or Reference No. 030-32090	
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. No single source to exceed 9 millicuries each	
B. Americium-241	B. Sealed source (Troxler Dwg. No. A-102451)	B. No single source to exceed 44 millicuries each	

9. Authorized Use:

- A. and B. To be used in Troxler Model 3400 Series surface moisture/density gauges.
- A. To be used in Troxler Model 4640 Series surface density gauges.

ADDITIONS

10. Licensed material may be stored at 201 Northwest Fourth Street, 4th Floor, Evansville, Indiana 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 be used by, or under the supervision and in the physical presence of, individuals who have successfully completed the device manufacturer's training program 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.
- B. The Radiation Protection Officer for the activities authorized by this license is David A. Franklin.

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PDR ADDCK 03032090
C PDR

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**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

13-26289-01

Docket or Reference Number

030-32090

Amendment No. 04

12. A. (1) The source(s) specified in Item(s) 7.A. and 7.B. 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, Inc. 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.
13. Sealed sources containing licensed material shall not be opened or removed from their devices by the licensee.
14. 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.
15. Each portable nuclear 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.

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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 source 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. 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. 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. Applications dated February 8, 1991, and May 22, 1996 (with attachments); and
- B. Letters dated April 1, 1991, August 18, 1993, March 11, 1996, December 17, 1996, and January 16, 1997.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date 29 January 1997By William P. Ruckelshaus
Nuclear Materials Licensing Branch, Region III

COPY

BETWEEN:

License Fee Management Branch, ARM
and
Regional Licensing Sections

(FOR LFMS USE)
INFORMATION FROM LTS

Program Code: 03121
Status Code: 0
Fee Category: 3P
Exp. Date: 20010430
Fee Comments:
Decom Fin Assur Req: N

S7

LICENSE FEE TRANSMITTAL

A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: VANDERBURGH COUNTY ENGINEERING DEPT
Received Date: 961220
Docket No: 3032090
Control No.: 302155
License No.: 13-26289-01
Action Type: Amendment

2. FEE ATTACHED

Amount: ~~X~~
Check No.: ~~X~~

* ADDL INFO
301589-57

3. COMMENTS

Signed D. Hersey
Date 12-30-97

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

1. Fee Category and Amount:

3P FEE NOT REQUIRED

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

Amendment ✓
Renewal _____
License _____

3. OTHER _____

Signed SC
Date 1/6/97

JAN 15 1997

RECEIVED BY LFMS

Date	Jan. 3, 1997
Log	Jan 1 III
By	SC
Date Completed	1/6/97

1997 JAN -3 PM 9:19



VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street - Suite 307
Old Vanderburgh County Courthouse
Evansville, Indiana 47708 - Tel. (812) 435-5773

December 17, 1996

Mr. Bill Reichhold
United States Nuclear Regulatory Commission
Region 3
801 Warrenville Rd
Lisle, IL 60532-4351

Dear Bill:

The following additional information is enclosed for amendment to our license as you requested:

TRAINING CAUGE USERS

Given the scenario that we are using the 3400 Series nuclear gauge at a work site and a piece of equipment damages the source rod on the gauge. Immediately we would cordon off an area of at least a 15 foot radius with tape type material, confirm that source is intact and notify U.S.N.R.C. at 301-816-5100 of our emergency situation.

FACILITIES & EQUIPMENT

The form in Attachment #10 should be titled "DEVICE IDENTIFICATION/INVENTORY SHEET".

SURVEY METER

The type of survey meter that we have access to is a Geiger-Mueller Tube (Halogen Quenched).

RECEIVED

DEC 20 1996

REGION III

Cont'n of 301589
FEE NOT REQUIRED

DEC 20 1996 302155

MAINTENANCE

We have received and will maintain applicable U.S.D.O.T. regulations that pertain to procedures for complying with U.S.D.O.T. regulations as they apply to 3400 Series nuclear gauges.

OPERATING PROCEDURES

1. We will "stake & flag" our nuclear gauge at construction sites to assist operators of heavy equipment in seeing the gauge.
2. We will not look at source under the gauge as it is being lowered into the ground for testing purposes.

Our voided control number is 301589.

Sincerely,

David Franklin

David Franklin

DF/jp

JAN 30 1997

David Franklin
Radiation Safety Officer
Vanderburgh County
Engineering Department
201 Northwest Fourth Street
Suite 307 Old Vanderburgh
County Courthouse
Evansville, IN 47708

Dear Mr. Franklin:

Enclosed is Amendment No. 04 to your NRC Material License No. 13-26289-01 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 we have extended the expiration date of the license for five years in accordance with the regulations (10 C.F.R. 30.36).

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

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- 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;
 - 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,

D. Franklin

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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
W. P. Reichhold
Nuclear Materials Licensing Branch

License No.: 13-26289-01

Docket No.: 030-32090

Enclosure: Amendment No. 04

DOCUMENT NAME: M:\03032090.CL7

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 <i>WR</i>								
NAME	WREICHHOLD:jaw								
DATE	01/24/97								

OFFICIAL RECORD COPY



VANDERBURGH COUNTY ENGINEERING DEPARTMENT

201 Northwest Fourth Street · Suite 307
Old Vanderburgh County Courthouse
Evansville, Indiana 47708 · Tel. (812) 435-5773

January 16, 1997

Mr. Bill Reichhold
United States Nuclear Regulatory Commission
Region 3
801 Warrenville Rd
Lisle, IL 60532-4351

Dear Bill:

The additional information you requested for amendment to our License #13-26289-01 is as follows:

1. The application dated 22 May 1996 is the correct document for your review.
2. Our annual training program will include a "dry run" of the emergency procedure, as may be encountered, due to rupturing of the radioactive source material in our model #3440 nuclear gauge.

Our mail control number is 302155.

Sincerely,

David A. Franklin

David A. Franklin
Safety Officer

DAF/jp

RECEIVED
JAN 21 1997
REGION III

pm: 1-16-97

JAN 21 1997



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

December 30, 1996

David A. Franklin
Radiation Safety Officer
Vanderburgh County Engineering Department
201 Northwest Fourth Street, Suite 307
Evansville, IN 47708

SUBJECT: ACKNOWLEDGEMENT OF CORRESPONDENCE
(Letter Dated 12/17/96)

Dear Licensee:

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

☐ New License ☒ Amendment ☐ Renewal
☐ Termination ☐ Auth User (Amendment not required)
☐ 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.

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

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 required.

If you have a compelling safety or business-related reason for requesting expedited review, please contact the Materials Licensing Branch at (630) 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. 302155
License No. 13-26289-01