

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 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. City of Akron, Ohio
Bureau of Engineering
2. 1420 Triplett Blvd.
Akron, OH 44306

In accordance with letter dated
August 30, 19963. License Number 34-20183-01 is amended in
its entirety as follows:

4. Expiration Date April 30, 2002

5. Docket or
Reference No. 030-180636. Byproduct, Source, and/or
Special Nuclear Material

- A. Cesium-137
- B. Americium-241
- C. Americium-241

7. Chemical and/or Physical
Form

- A. Sealed source
(Troxler Dwg.
No. A-102112)
- B. Sealed source
(Troxler Dwg.
No. A-102451)
- C. Sealed source
(Troxler Dwg.
No. A-100337
or A-100608)

8. Maximum Amount that Licensee
May Possess at Any One Time
Under This License

- A. No single source
to exceed 10
millicuries
- B. No single source
to exceed 50
millicuries
- C. No single source
to exceed 300
millicuries

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 gauges.

CONDITIONS

10. Licensed material may be stored at 1420 Triplett Blvd., Akron, 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.

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**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

34-20183-01

Docket or Reference Number

030-18063

Amendment No. 04

11. Licensed material shall only be used by, or under the supervision and in the physical presence of, Michael D. Huber or individuals who have successfully completed the manufacturer's training program for gauge users, have been instructed in the licensee's routine and emergency operating procedures and who have been designated by the Radiation Safety Officer.
12. The Radiation Protection Officer for the activities authorized by this license is Michael D. Huber.
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, 801 Warrenville Road, Lisle, Illinois 60532, 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.

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15. 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.
16. The licensee may transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
17. 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.
18. 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 for establishing decommissioning financial assurance.
19. 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.
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. Application dated June 8, 1981; and
 - B. Letters dated January 24, 1992 and August 30, 1996.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date October 21, 1996

By

Loren J. Hunter
Nuclear Materials Licensing Branch, Region III

COPY

(FOR LFMS 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: 20020430
Fee Comments:
Decom Fin Assur Req'd: N

R8
21

LICENSE FEE TRANSMITTAL

A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: AKRON, CITY OF
Received Date: 960923
Docket No: 3018063
Control No.: 301866
License No.: 34-20183-01
Action Type: Amendment

2. FEE ATTACHED

Amount: 300
Check No.: 850257

3. COMMENTS

Signed
Date

D. Hersey
9-24-96

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
9/30/96

SEP 27 AM 11:00

OCT 08 1996

Log	<i>Sep 12 III</i>
Remitter	
Check No.	<i>850257</i>
Amount	<i>\$300</i>
Fee Category	<i>3P</i>
Type of Fee	<i>Amd</i>
Date Check Rec'd	<i>9/27/96</i>
Date Completed	<i>9/30/96</i>
By:	<i>SC</i>



DEPARTMENT OF PUBLIC SERVICE
BUREAU OF ENGINEERING
701 MUNICIPAL BUILDING
AKRON, OHIO 44308 - 1652

C. DAVID HAUGH P.E.
CITY ENGINEER

Donald L. Plusquellic
Mayor

August 30, 1996

United States Nuclear Regulatory Commission
Region III
Materials License Branch
801 Warrenville Road
Lisle, Illinois 60532-4351

Dear Sir:

We would like to request that our materials license #34-20183-01 be amended to replace Jerome M. Gergosky as our Radiation Protection Officer. The new RSO will be Michael D. Huber. Enclosed you will find Mr. Huber's certificate of completion for courses in Radiation Safety and Radiation Safety Officer.

In addition we would like to request that item number 11 of our materials license be amended to read "licensed material shall be used by, or under the supervision and in the physical presence of, Michael D. Huber or an approved agent.

Enclosed please find our check for \$300.00 for the amendment fee.

Any questions regarding our amendment request should be directed to Michael D. Huber at (330) 375-2861.

Sincerely,

Michael D. Huber
Materials Lab Manager

MDH/nlb

Attachment

c: Construction Division File

60R30MDH

RECEIVED
SEP 23 1996
REGION III

Pm: 9-20-96

SEP 23 1996
301866

Certificate of Completion

This Certifies that

MICHAEL D. HUBER

has successfully completed the

Troxler Radiation Safety Officer Course

conducted by the training program of

Troxler Electronic Laboratories, Inc.


STEWART SPRAGGINS

Instructor

6/27/96

Date

WILLIAM F. TROXLER

President

TROXLER ELECTRONIC LABORATORIES, INC.

HEREBY CERTIFIES THAT

Michael Huber

of

City of Akron

HAS SUCCESSFULLY COMPLETED THE TROXLER ELECTRONIC LABORATORIES, INC.
TRAINING COURSE FOR THE USE OF NUCLEAR TESTING EQUIPMENT.

SUBJECTS INCLUDED IN THIS COURSE WERE AS FOLLOWS:

Radiological Safety

- | | |
|--|---|
| 1. Principles and practices of radiation protection. | 5. Radioactivity measurement and monitoring techniques and instruments. |
| 2. Leak testing procedures. | 6. Accident and incident procedures. |
| 3. Mathematics and calculations basic to the use and measurement of radioactivity. | 7. Procedures for nuclear gauge storage and transportation. |
| 4. Biological effects of radiation. | 8. General safety precautions. |

Gauge Operation

- | | |
|-------------------------|----------------------|
| 1. Instrument theory | 4. Field application |
| 2. Operating procedures | 5. Gauge calibration |
| 3. Maintenance | |

INSTRUCTOR

3-22-90

DATE

No 31975

W. F. Troxler

PRESIDENT

OCT 22 1996

Michael D. Huber
Materials Lab Manager
City of Akron, Ohio
Bureau of Engineering
1420 Triplett Blvd.
Akron, OH 44306

Dear Mr. Huber:

Enclosed is Amendment No. 04 to your NRC Material License No. 34-20183-01 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 added five years to the expiration date listed on your license. You should have recently received official notification from our headquarters office explaining the cause for the five-year extension. In the meantime, if you have any questions, please call me.

Please note: we have revised Condition 11. of your license in response to your request to have other un-named individuals to use or directly supervise the use the licensed material. Please note that all such authorized users must first have successfully completed the manufacturer's training program for gauge users, have been instructed in your routine and emergency operating procedures and have been designated by the Radiation Safety Officer. Documentation of these functions should be maintained.

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.

301866

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;
 - 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

M. Huber

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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
Loren J. Hueter
Nuclear Materials Licensing Branch

License No.: 34-20183-01
Docket No.: 030-18063

Enclosures: 1. Amendment No. 04
2. NRC Form 313

DOCUMENT NAME: M:\03018063.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	N							
NAME	LHUETER:jaw	JH							
DATE	10/1/96								

OFFICIAL RECORD COPY



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

September 25, 1996

Michael D. Huber
Radiation Safety Officer
City of Akron
Bureau of Engineering
1420 Triplett Boulevard
Akron, OH 44306

SUBJECT: ACKNOWLEDGEMENT OF CORRESPONDENCE
(Letter Dated 08/30/96)

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. 301866
License No. 34-20183-01