

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.

301889

Licensee

1. Miller Bros. Paving, Inc.

2. 1613 South Defiance Street
P. O. Box 30
Archbold, OH 43502In accordance with the letter dated
October 10, 19963. License Number 34-24855-01 is amended in
its entirety to read as follows:

4. Expiration Date March 31, 2002

5. Docket or
Reference No. 030-297136. 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. 2 sources not to
exceed 10
millicuries each

B. Americium-241

B. Sealed source
(Troxler Dwg.
No. A-102451)B. 2 sources not to
exceed 50
millicuries each

C. Americium-241

C. Sealed source
(Troxler Dwg.
No. A-100608)C. 8 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 asphalt content gauges.

CONDITIONS

10. Licensed material may be stored at 1613 South Defiance Street, Archbold, 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.

9/1

010030

9611010146 961021
PDR ADOCK 03029713
C PDR

COPY

2 ml
30
50

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

34-24855-01

Docket or Reference Number

030-29713

Amendment No. 04

11. A. Licensed material shall be used by, or under the supervision and in the physical presence of, individuals who have satisfactorily completed the device manufacturer's training program for gauge users 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 Aaron K. Clark.
12. 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 60532-4351, 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.
13. Sealed sources containing licensed material shall not be opened or removed from their respective source holders by the licensee.

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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. 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. 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. Letters dated January 20, 1992 and October 10, 1996.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date

10/21/96

By

Michael F. Weber

Nuclear Materials Licensing Branch, Region III

COPY

(FOR LFMS USE)
INFORMATION FROM LTS

SZ

BETWEEN:

License Fee Management Branch, ARM
and
Regional Licensing Sections

Program Code: 03121
Status Code: 0
Fee Category: 3P
Exp. Date: 20020331
Fee Comments:
Decom Fin Assur Req'd: N

LICENSE FEE TRANSMITTAL

A. REGION

1. APPLICATION ATTACHED
Applicant/Licensee: MILLER BROTHERS PAVING INCORPORATED
Received Date: 960927
Docket No: 3029713
Control No.: 301889
License No.: 34-24855-01
Action Type: Amendment

2. FEE ATTACHED
Amount: 300
Check No.: 29360

3. COMMENTS

Signed D. Hensley
Date 7-31-96

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

1. Fee Category and Amount: 300 3P
2. Correct Fee Paid. Application may be processed for:
Amendment ☒
Renewal ☐
License ☐

3. OTHER

Signed SC
Date 10/4/96

1996 OCT -3 AM 11:09

OCT 09 1996

Log	Oct 2 III
Remitter	
Check No.	29360
Amount	\$300
Fee Category	3P
Type of Fee	Amnd
Date Check Rec'd	10/3/96
Date Completed	10/4/96
By	SC



1613 S. Defiance St.
P.O. Box 30
Archbold, Ohio 43502
419-445-1015
Fax: 419-446-2626

September 24, 1996

U. S. N. R. C.
Licensing Division
801 Warrenville Road
Lisle, Illinois 60532

To Whom It May Concern:

Per the inspection of Friday, September 20, 1996, please find enclosed amendments to our license which consists of the RSO (Radiation Safety Officer) and the exact location of the gauge storage area.

If you have any questions or further information is needed, please call.

Respectfully submitted,

MILLER BROS. CONST., INC.

Kurt Clark
Quality Control Manager

Enclosures
KC:lkb

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SEP 27 1996

REGION III

Pm: 9-24-96

An Equal Opportunity Employer

OCT 09 1996

SEP 27 1996

301889

RADIATION SAFETY PROGRAM

(Item 10)

1613 S. Defiance St.
P.O. Box 30
Archbold, Ohio 43502
419-445-1015
Fax: 419-446-2626

1. RADIATION SAFETY OFFICER

A. Aaron K. Clark, and all others completing the Troxler Training Seminar have been designated as the company Radiation Safety Officer and will assume the duties and responsibilities that include the following:

1. To ensure that all terms and conditions of the license are being met and that the information contained in the license is up-to-date.
2. To ensure that the equipment has been leak tested in the required timely manner and that the leak test is performed in the manner prescribed by the equipment manufacturer.
3. To ensure that the use of the equipment is only by individuals that have been authorized by the Radiation Safety Officer and that all users wear personnel monitoring equipment when utilizing the equipment.
4. To maintain the records as required by the license and the regulations. These records shall include personnel exposure records, leak test records, and training certificates for all users.
5. To ensure that the equipment is properly secured against unauthorized removal at all times when it is not in use.
6. To serve as a point of contact and give assistance in case of emergency such as equipment damaged in the field or theft, and to notify the proper authorities in case of emergency.
7. To ensure that all users have read and understand the radiation safety operating and emergency procedures.

2. OPERATING PROCEDURES

A. Transportation of Equipment

1. All possible means shall be provided to ensure that the equipment is fully secured in the transporting vehicle and the equipment is away from the passenger compartment. When transporting in an enclosed vehicle (car or van), the vehicle will be locked. When transporting in an open bed vehicle, the guage should be securely fastened and locked to the truck bed.

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SEP 27 1996
REGION III

2. The guage will be transported in the Troxler transportation case. The U.S. Department of Transportation requires that the guage be transported in a properly labeled carrying case.
3. At all times during transport, the operator will have a properly completed Bill of Lading for each guage.

B. Utilization Procedures

1. When the guage is in the field, you as the authorized user, must maintain control over the guage at all times. The guage must never be left unattended.
2. When not making measurements, the guage should be placed in the transportation case and returned to its permanent storage area as soon as possible. The guage is to be used for its intended purpose only. By doing so, you will maintain any radiation exposure to as low as reasonably attainable.
3. When using the equipment, you will wear the personnel monitoring device that has been assigned to you. When you are not using the equipment, your monitoring device is to be stored in the radiation free area that has been designated in the office.

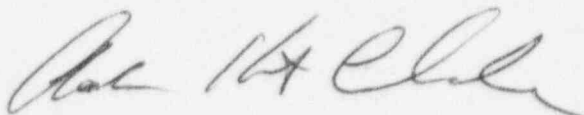
C. Maintenance and Leak Test Procedures

1. Periodic maintenance will include cleaning the guage. During any maintenance, you must wear your personnel monitoring device.
2. No maintenance will be performed in which the radioactive source is removed from the guage. For this type of maintenance, the guage will be returned to the manufacturer.
3. The leak test will be performed using the Troxler Model 3880 Leak Test Kit. The leak test will be performed using the manufacturer's instructions. Again, the personnel monitoring device will be employed. Guages will be leak tested at intervals not to exceed six (6) months.

3. EMERGENCY PROCEDURES

- A. In the event of physical damage to a guage, the following will be performed:
 1. Immediately cordon off an area around the guage. An area radius of 15 feet will be sufficient.
 2. If a vehicle is involved, it must be stopped until the extent of contamination, if any, can be established.
 3. A visual inspection of the guage is to be made to determine if the source housing and/or shielding has been damaged.

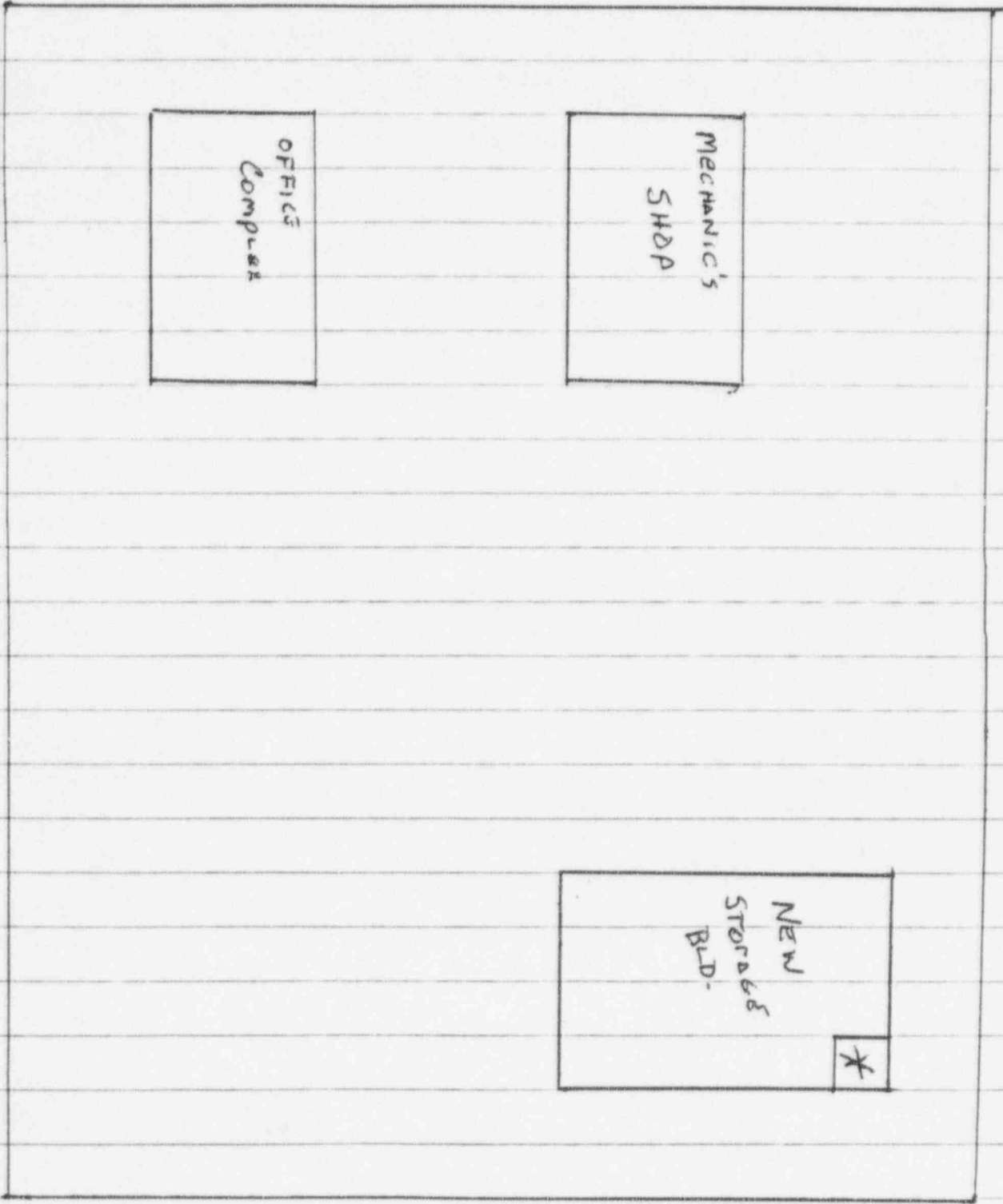
4. At the earliest possible time, when the situation is under control you must contact Aaron K. Clark, the Radiation Safety Officer, at 419-445-1015. Describe the present conditions and follow the instructions of the Radiation Safety Officer.
- B. In the event the guage is lost or stolen, immediately notify Aaron K. Clark, Radiation Safety Officer at 419-445-1015

A handwritten signature in dark ink, appearing to read 'Aaron K. Clark', with a stylized, cursive script.

Aaron Kurt Clark

Miller Bros. Const. Inc.
1613 S. DEFANCE ST.
Archard OHIO 43502

← ST. RT. 66 →



* This is The New Storage Building- The GUAGES will Be STORED IN A FENCED IN CAGE, ACCESSIBLE To MYSELF ONLY.

AARON KURT CLARK

9-23-96

OCT 21 1996

Aaron K. Clark
Radiation Safety Officer
Miller Bros. Paving, Inc.
1613 S. Defiance Street
P.O. Box 30
Archbold, OH 43502

Dear Mr. Clark:

Enclosed is Amendment No. 04 to your NRC Material License No. 34-24855-01 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;

301889

- 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
Michael F. Weber
Nuclear Materials Licensing Branch

License No.: 34-24855-01
Docket No.: 030-29713

Enclosure: Amendment No. 04

DOCUMENT NAME: M:\03029713.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	<input checked="" type="checkbox"/>							
NAME	MWEBER:jaw								
DATE	10/24/96								

OFFICIAL RECORD COPY



Miller Bros. Paving, Inc.

Asphalt Products

1613 S. Detiance St., P.O. Box 30, Archbold, OH 43502

Phone: 419-445-1015 Fax: 419-446-2626

UNITED STATES NUCLEAR REGULATORY COMMISSION
REGION 3
801 Warrenville Road
Lisle, Illinois 60532-4351

10-10-96

ATT: Mr. Mike Webber

RE: License Amendment

Dear Mr. Webber

According to NRC regulations, we would like to amend our license as follows.

#1. Aaron Kurt Clark to be the company Radiation Safety Officer.
I completed my RSO training back in 1987. I was previously the RSO for the company for 6 years, and would like to be reinstated at that position.

#2. New storage facility. (see attached map)

If there are any questions, or I can be of any further assistance please feel free to contact me at our office.

RESPECTFULLY

Aaron Kurt Clark
Miller Bros. Paving Inc.

CC: File

301889
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OCT 16 1996
REGION III

OCT 16 1996

PM: 10-10-96

BOLIVAR PLANT
3467 Dover-Zoar E Rd. N
Bolivar, Ohio 44612
216-674-3344

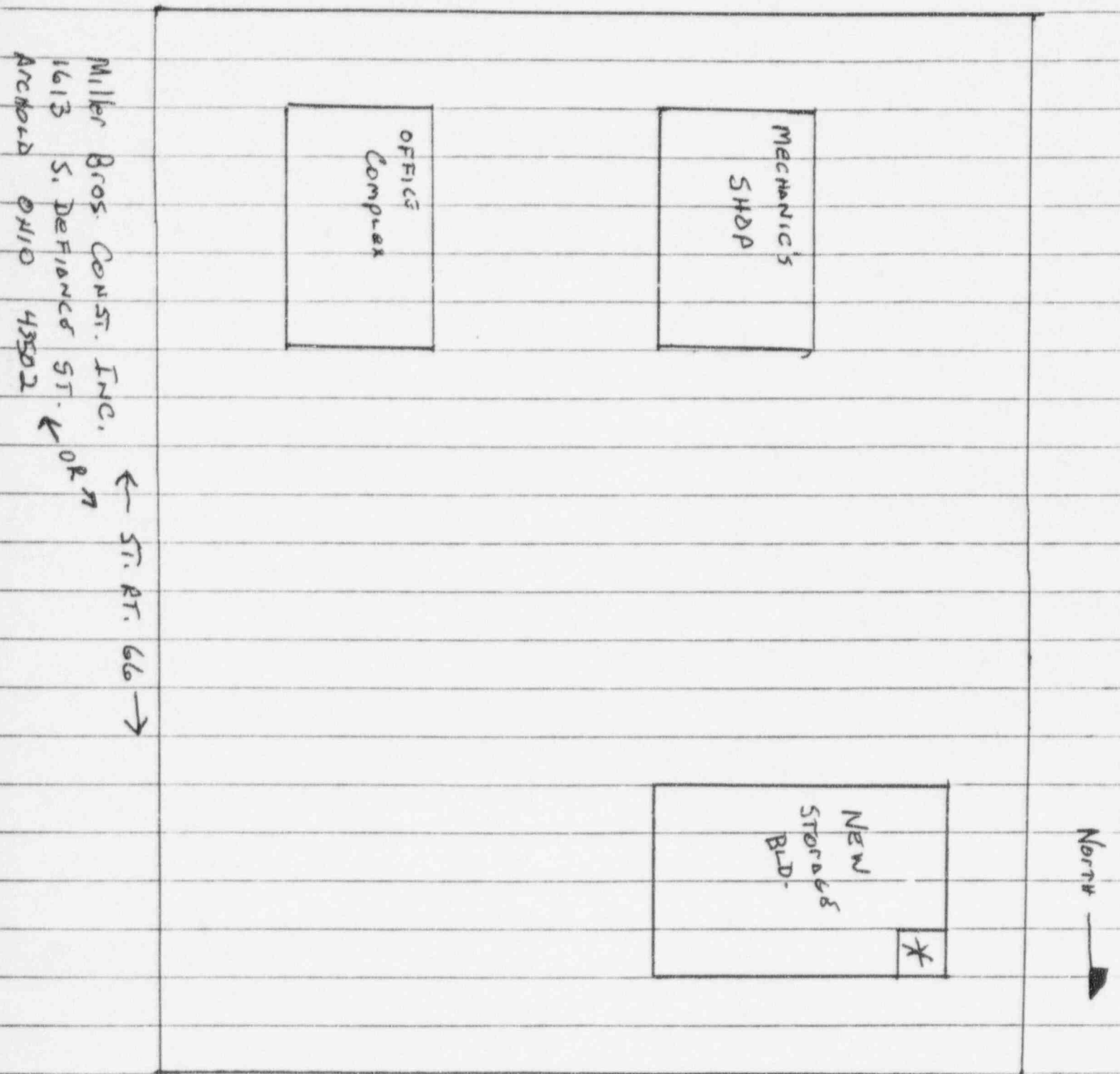
CLAY CENTER PLANT
3960 N. Genoa-Clay Ctr. Rd.
Clay Center, Ohio 43408
419-855-4608

PIONEER PLANT
14791 St. Rt. 15
Pioneer, Ohio 43554
419-485-8105

ARCHBOLD PLANT
23005 Co. Rd. A
Archbold, Ohio 43502
419-445-3672

SYLVANIA PLANT
7920 Sylvania Ave.
Sylvania, Ohio 43560
419-882-6871

ASHLAND PLANT
645 St. Rt. 250
Ashland, Ohio 44805
419-281-9754



* This is The New Storage Building. The GUARDS
will Be STORED IN A FENCED IN CAGE, ACCESSIBLE
To MYSELF ONLY.

AARON KURT CLARK

9-23-96



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

October 2, 1996

Aaron K. Clark
Radiation Safety Officer
Miller Brothers Paving Incorporated
P. O. Box 30
Archbold, OH 43502

SUBJECT: ACKNOWLEDGEMENT OF CORRESPONDENCE
(Letter Dated 09/24/96)

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. 301889
License No. 34-24855-01