

OFFICIAL RECORD COPY**MATERIALS LICENSE**

Amendment No. 19

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		In accordance with letter dated December 9, 1996	
1. Marshall Miller and Associates Bluefield Industrial Park		3. License Number	45-17195-01
2. P.O. Box 848 Bluefield, Virginia 24605-0848		is amended to read as follows:	
		4. Expiration Date	December 31, 2002
		5. Docket or Reference No.	030-12341
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. Americium 241	A. Any sealed neutron source registered pursuant to 10 CFR 32.210 and contained in a compatible device specified in subitems 9.A. and B. of this license	A. Not to exceed 50 millicuries (1.85 GBq) per source	
B. Cesium 137	B. Any sealed source registered pursuant to 10 CFR 32.210 and contained in a compatible device specified in subitems 9.A. and B. of this license	B. Not to exceed 10 millicuries (370 MBq) per source	
C. Americium 241	C. Any sealed well logging source registered pursuant to 10 CFR 32.210	C. Not to exceed 250 millicuries (9.25 GBq) per source	
D. Cesium 137	D. Any sealed well logging source registered pursuant to 10 CFR 32.210	D. Not to exceed 2 curies (74 GBq) per source	
E. Americium 241	E. Any sealed neutron well logging source registered pursuant to 10 CFR 32.210	E. Not to exceed 5 curies (185 GBq) per source	

200041

* See Condition No. 24

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**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

45-17195-01

Docket or Reference Number

030-12341

Amendment No. 19

9. Authorized Use:

- A. and B. **Sealed source(s) contained in compatible portable gauging devices (registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation) for measuring properties of materials.**
- C., D. and E. For use as described in references stated in Condition 26 and in accordance with the provisions of 10 CFR Part 39 for oil/gas and/or mineral well logging.

CONDITIONS

10. Licensed material may be stored at facilities located at the **Route 720 Industrial Park, Bluefield, Virginia** 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. The Radiation Protection Officer for this license is Philip J. Waters or, in his absence, Scott Nelson.
- B. The licensee's training program for logging supervisors and logging assistants shall be conducted by, or under the supervision of Philip J. Waters or Scott Nelson.
12. A. Licensed material specified in subitems 6.A. and B. shall be used by, or under the supervision and in the physical presence of individuals satisfactorily completing the device manufacturer's radiation safety training course and the licensee's standard operating and emergency procedures. The licensee shall maintain records of individuals designated as users for five years following the last use of licensed material by the individual.
- B. Licensed material specified in subitems 6.C., D. and E shall be used by or under the supervision and in the physical presence of individuals meeting the training requirements specified in 10 CFR 39.13(b) and 10 CFR 39.61 and be designated, in writing, by Philip J. Waters or Scott Nelson. Notwithstanding the requirements of 10 CFR 39.61(d) the licensee shall maintain records of individuals designated as users for five years following the last use of licensed material by the individual.
13. This license supersedes License No. 45-24912-01 issued to Willis, Skeen, and Associates.
14. A. (1) The sealed source(s) specified in Item 7, 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. 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. No sealed source shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.

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(Continued)

CONDITIONS

14. 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 II, Division of Nuclear Materials Safety, Material Licensing/Inspection Branch, 101 Marietta Street, N.W., Suite 2900, Atlanta, Georgia 30323-0199. 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 Nuclear Sources and Services or Troxler Electronic Laboratories 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.
15. The licensee shall not vacate or release to unrestricted use a field office or storage location whose address is identified in Condition 10, without prior NRC written approval. Reports of residual levels of contamination or other information concerning facility status may be required.
16. The licensee may transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
17. The licensee shall maintain records of inventories in accordance with the requirements of 10 CFR 39.37 except that records shall be retained for 5 years from the date of each inventory. [Note: the retention period of five years is used to correspond to the period for portable gauges also covered by this license.]
18. The licensee shall maintain records of information important to safe and effective decommissioning at facilities located at the Bluefield Industrial Park, Bluefield, Virginia pursuant to the provisions of 10 CFR 30.35(g) until this license is terminated by the Commission.
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. Sealed sources containing licensed material shall not be opened or removed from their shielded exposure device except as otherwise authorized by condition of this license.
21. 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.
22. Any cleaning, maintenance, or repair of the gauge(s) that requires removal of the source rod from portable gauging devices shall be performed only by the manufacturer or by other persons specifically licensed by the Commission or an Agreement State to perform such services.
23. Each source holder or logging tool containing radioactive material shall bear a legible and visible marking as specified in 10 CFR 39.31(a). The label must be on the smallest component that contains the licensed material which is transported as a separate piece of equipment.

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License Number 45-17195-01

Docket or Reference Number 80-12341

Amendment No. 19

(Continued)

CONDITIONS

24. Pursuant to 10 CFR 39 and the generic exemption thereto, only those sealed well logging sources meeting the requirements of 10 CFR 39.41 or those deemed acceptable under the provisions of the temporary generic exemption (effective date July 17, 1989) may be used for well logging purposes under this license. Sources which do not meet these requirements shall be placed in storage incident to disposal.
25. When licensed materials are in use, the licensee shall require authorized users identified in Conditions Nos. 11 and 12 of this license to use film badges exchanged monthly or TLD exchanged quarterly and processed by a Service accredited by NVLAP pursuant to 10 CFR 20.1501(c).
26. 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:
- November 14, 1986 [Background information]
 - July 22, 1987 [Information applicable to the requirements of 10 CFR 39.13(a)]
 - October 25, 1991 [Application for renewal. Note: contains insufficient information to support license renewal.]
- B. Letters dated:
- July 21, 1987 [Background information related to application dated July 22, 1987.]
 - October 5, 1992 [Incomplete supplemental information in response to NRC letter dated September 2, 1992]
 - December 5, 1992 [Date received, incomplete response to NRC letter dated November 23, 1992]
 - February 8, 1993 [Licensee commitments and explanation of revised license application in response to NRC letter dated December 18, 1992.]
 - Letter dated August 29, 1994 (delete condition 10.b.)
 - March 7, 1996 [Change of storage location for radioactive materials]
 - April 22, 1996 [Additional information about new storage location for radioactive materials and modification of radiation safety program (dosimetry, survey instrument calibration and training).]
 - May 2, 1996 [Facsimile letter clarifying requested radiation safety program changes contained in letter dated April 22, 1996.]
 - NRC letter dated March 1, 1996 [Expiration date extended pursuant to 10 CFR 30.36]
 - December 9, 1996 [change 9 A.and B. to include any portable gauge under 10 CFR 32.210, change storage location]

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

EARL G. WRIGHT

Date JAN 6 1997

By

Earl G. Wright
Region II, Division of Nuclear Materials Safety
101 Marietta Street, N.W., Suite 2900
Atlanta, GA 30323-0199

N:\MLICENSE\45-17195.A19

umf
1/7/97



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2900
ATLANTA, GEORGIA 30323-0196

JAN 7 1997

INFORMATION FOR NRC MATERIAL LICENSEES

Please find enclosed: _____ Your NRC material license
_____ ☒ Amendment to your NRC material license
_____ Amendment renewing your NRC material license
_____ Amendment terminating your NRC material license
_____ Notice for Radiographer Quality Assurance Approval Program

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify this office (ATTN: Ms. Diane Heim at (404) 331-4673) 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 19, "Notice, Instructions and Reports to Workers; Inspections," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Not possess and use materials authorized in Items 6, 7, and 8, on the license until:
 - a. you have constructed the facilities and obtained the equipment described in the license application and supporting documentation; and
 - b. you have notified the U. S. Nuclear Regulatory Commission, Region II, ATTN: Materials Licensing/Inspection Branch, in writing, that activities authorized by the license will be initiated
 - c. you have submitted & certified implementation of a Quality Management Program (10 CFR 35.32) for radiotherapy, or for administering > 30 uCi of I-125 or I-131.
3. Notify NRC, in writing, within 30 days:
 - a. when an authorized user, Radiation Safety Officer, or Teletherapy Physicist 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).
4. In accordance with 10 CFR 30.36(b) and/or license condition, notify NRC, promptly, in writing, and request termination of the license:
 - a. when you decide to terminate all activities involving materials authorized under the license; or
 - b. if you decide not to complete the facility, acquire equipment, or possess and use authorized material.

5. Request and obtain a license amendment before you:
 - a. receive or use byproduct material for a clinical procedure permitted under Part 35 but not permitted by your license issued pursuant to this part.
 - b. permit anyone, not authorized under 10 CFR 35, Subpart J, to work as an authorized user under a license for medical use of byproduct material.
 - c. permit anyone, not authorized under 10 CFR 35, Subpart J, to work as a Radiation Safety Officer, Teletherapy Physicist, or Nuclear Pharmacist, under a license for medical use of byproduct material.
 - d. order byproduct material in excess of the amount, or a different radionuclide or form, other than authorized on the license;
 - e. add or change the areas of use or address (or addresses) of use identified in the license application or on the license; or
 - f. change ownership of your organization.
6. 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. Transfer of licensed materials must be consistent with 10 CFR 30.41, 40.51 or 70.42, as applicable. 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 Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600, (7/95). 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 against those who do not achieve the necessary attention to detail and standard of compliance expected of licensees.

Thank you for your cooperation.

Enclosures:

1. NRC License
2. Category Marked Below for:
 - ☐ New licenses: NUREG-1600 (7/95); 19; 20; 30; 40 or 70, as appropriate; 71; 170; NRC Form 3. Agreement Statement; and NRC Form 313.
 - ☐ New radiography licenses: Parts 34; 150.
 - ☐ New medical and teletherapy licenses: Part 35.
 - ☐ Amendments and renewals: NRC Form 313.

BETWEEN:

License Fee Management Branch, ARM
and
Regional Licensing Sections

: (FOR LFMS USE)
: INFORMATION FROM LTS
: -----
:
: Program Code: 03111
: Status Code: 0
: Fee Category: 5A 3P
: Exp. Date: 20021231
: Fee Comments: 3P ADDED 8/12/87
: Decom Fin Assur Req'd: N
:

LICENSE FEE TRANSMITTAL

A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: MARSHALL MILLER & ASSOCIATES
Received Date: 961209
Docket No.: 3012341
Control No.: 257313
License No.: 45-17195-01
Action Type: Amendment

2. FEE ATTACHED

Amount:
Check No.:

3. COMMENTS

Signed
Date

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

1. Fee Category and Amount: 5A 3P \$640

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

Amendment
Renewal
License

3. OTHER

Signed
Date

Log	<u>Dec 3 II</u>
Remitter	<u> </u>
Check No.	<u>90622</u>
Amount	<u>\$640</u>
Fee Category	<u>5A 3P</u>
Type of Fee	<u>AMD</u>
Date Check Rec'd	<u> </u>
Date Completed	<u>1/9/97</u>
By:	<u> </u>

1996 DEC 31 AM 10:45

640



GEOLOGY
ENGINEERING
GEOPHYSICS

*Received
12/16/96
gfw*

December 9, 1996

Earl Wright
NRC Region II
101 Marietta Street, N.W.
Suite 2900
Atlanta, GA 30323-0199

License #45-17195-01

Dear Mr. Wright:

Please be advised on three matters. The first as we have already spoken last month concerning movement of our source storage area and the completed survey requirement.

Secondly, we apply to modify our license to include Humboldt Density gauges in addition to our standard Troxler gauges.

Thirdly, once this is done we will be receiving two from our now closed Charlotte address. (See attached letter to North Carolina.)

Sincerely,

A handwritten signature in dark ink that reads "Philip J. Waters". The signature is written in a cursive style with a large, stylized "P" and "W".

Philip J. Waters
Corporate R.S.O.

PJW/kbd

Enclosure

Modifications to License #45-17195-01.

Amendment #18

Item 9A. and B.

Sealed sources contained in Troxler Electronic Laboratories Model 3400 Series portable density gauging devices and Humbold Scientific Model HS-5000 series compaction Control gauges. Both used for measuring properties of materials. Registered pursuant to 10 CFR 32.210 or an equivalent Agreement state regulation.

Storage Area → moved.

Marshall Miller + Associates
Rt. 720 Industrial Park
Bluefield, VA 24605

19th November 1996.
Phil Waters RSO.

Lean-to building vacated at end of old garage
(being converted to office space). New stand alone shed
built and located next to ~~the~~ drillers storage garage towards
edge of property. New shed has sunken cast concrete form
to contain sources (shielded). Overhead hoist with sliding
"I" frame for removal and positioning containers.

Survey of new shed before sources installed:	0.01 mk Wall	outside Surface
" " " " after " "	1.0 mR/hr.	

Survey of old lean-to shed before removal:	3 mR/hr	"
" " " after removal:	0.01	"
" " " " " " :	0.01	inside

Personnel present — RSO only

Performed by RSO only.

Surveyed vehicle before + after
— clean.

Ginger with pancake
63647

10:24:96 Cal date

Philip J. Waters

10-10³⁰ am 19 Nov 1996.



GEOLOGY
ENGINEERING
GEOPHYSICS

December 9, 1996

J. Aaron Padgett, Chief Material License #060-0927-1
Radioactive Materials Section 3110 May Street, Charlotte
State of North Carolina
Dept. of Environment
Health & Natural Resources
Div. of Radiation Protection
3825 Barrett Drive
Raleigh, NC 27609-7221

Dear Mr. Padgett:

We wish to terminate our license to possess radioactive materials in the state of North Carolina. The office will be closed and with your permission released to alternate ownership.

All radioactive material-currently 2 Humboldt gauges-will be removed and stored here at our Bluefield facilities. This is also where their single Troxler gauges is currently housed. Then a survey will be performed to make sure this has been accomplished and that no residual radiation remains.

- (a) Survey entire office before.
- (b) Survey gauges in locked storage area.
- (c) Remove gauges to transport-survey vehicle and drivers position.
- (d) Survey storage area.
- (e) Survey entire office after.

Our company wishes to express our thanks for your past assistance in all matters, and regret the financial need to close this office, especially so close to the festive season.

Sincerely,

A handwritten signature in dark ink that reads 'Philip J. Waters'. The signature is written in a cursive, flowing style.

Philip J. Waters
Corporate R.S.O.

PJW/kbd

cc: Roger Haney
Earl Wright, NRC Region II

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 20555-0001MARSHALL MILLER AND ASSOCIATES
ATTN: PHILIP J. WATERS
RADIATION SAFETY OFFICER
BLUEFIELD VIRGINIA INDUSTRIAL PARK
P. O. BOX 948
BLUEFIELD, VA 24605

TYPE OF ACTION

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

REQUESTED DATE

12-9-96

LICENSE NUMBER

45-17195-01

CONTROL NUMBER

257313

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
5A	\$	\$	\$ 640.00
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

FEE(S) DUE	\$	640.00
PAYMENT RECEIVED	\$	0.00
AMOUNT DUE	\$	640.00

☒ 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.

SIGNATURE - LICENSE FEE ANALYST

LFDCB

LFDCB

RITA MESSIER

12/31/96

Distribution:

Pending Fee File OC/DAF/SF(LF-3.2.7)
LFARB R/F (2) Region 2

DATE

Dec. 31, 1996

From: Sandra Kimberley
To: ATD1.ATP1(JDH)
Subject: 257313 -Reply -Reply -Reply

[illegible]

would it be possible to fax the fee due letter to Phil Waters at 540-322-1510 so we can start processing this amendment?? Thanks again

<<<<<<<<<<<<<

Diane--received your fax and have put in the 07 for today. Regarding the completed package. I assume you will send the completed package to us addressee only with a note stating that it was preapproved. If they are sending the check to you I assume you will hold the package and place the check and the note on top of the completed package and addressee only so it will stand out, or if the check is sent here, you will forward the completed package addressee only so it can be held till the check comes in for Rita. Thanks. Sandy