

APPLICATION FOR MATERIALS LICENSE

INSTRUCTIONS: SEE THE APPROPRIATE LICENSE APPLICATION GUIDE FOR DETAILED INSTRUCTIONS FOR COMPLETING APPLICATION. SEND TWO COPIES OF THE ENTIRE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.

APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:

OFFICE OF FEDERAL & STATE MATERIALS AND ENVIRONMENTAL MANAGEMENT PROGRAMS
 DIVISION OF MATERIALS SAFETY AND STATE AGREEMENTS
 U.S. NUCLEAR REGULATORY COMMISSION
 WASHINGTON, DC 20555-0001

(New)

ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS:

IF YOU ARE LOCATED IN:

ALABAMA, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, FLORIDA, GEORGIA, KENTUCKY, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, PUERTO RICO, RHODE ISLAND, SOUTH CAROLINA, TENNESSEE, VERMONT, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA,

SEND APPLICATIONS TO:

LICENSING ASSISTANCE TEAM
 DIVISION OF NUCLEAR MATERIALS SAFETY
 U.S. NUCLEAR REGULATORY COMMISSION, REGION I
 475 ALLENDALE ROAD
 KING OF PRUSSIA, PA 19406-1415

Br.3

LL 31463
03038518
0321

IF YOU ARE LOCATED IN:

ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN.

SEND APPLICATIONS TO:

MATERIALS LICENSING BRANCH
 U.S. NUCLEAR REGULATORY COMMISSION, REGION III
 2443 WARRENVILLE ROAD, SUITE 210
 LISLE, IL 60532-4352

47-31463-01

ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, HAWAII, IDAHO, ILLINOIS, KANSAS, LOUISIANA, MISSISSIPPI, MONTANA, NEBRASKA, NEVADA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, OREGON, PACIFIC TRUST TERRITORIES, SOUTH DAKOTA, TEXAS, UTAH, WASHINGTON, OR WYOMING,

SEND APPLICATIONS TO:

NUCLEAR MATERIALS LICENSING BRANCH
 U.S. NUCLEAR REGULATORY COMMISSION, REGION IV
 1600 E. LAMAR BOULEVARD
 ARLINGTON, TX 76011-4511

2012 FEB 22 AM 11:22

RECEIVED REGION 1

PERSONS LOCATED IN AGREEMENT STATES SEND APPLICATIONS TO THE U.S. NUCLEAR REGULATORY COMMISSION ONLY IF THEY WISH TO POSSESS AND USE LICENSED MATERIAL IN STATES SUBJECT TO U.S. NUCLEAR REGULATORY COMMISSION JURISDICTIONS.

<p>1. THIS IS AN APPLICATION FOR (Check appropriate item)</p> <p><input checked="" type="checkbox"/> A. NEW LICENSE</p> <p><input type="checkbox"/> B. AMENDMENT TO LICENSE NUMBER _____</p> <p><input type="checkbox"/> C. RENEWAL OF LICENSE NUMBER _____</p>	<p>2. NAME AND MAILING ADDRESS OF APPLICANT (Include ZIP code)</p> <p>Dieffenbauch & Hritz, LLC 12 Rousch Drive Morgantown, WV 26501</p>
<p>3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED</p> <p>12 Rousch Drive Morgantown, WV 26501</p>	<p>4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION</p> <p>Joshua Diaz</p> <p>TELEPHONE NUMBER</p> <p>(304) 985-5555</p>


SUBMIT ITEMS 5 THROUGH 11 ON 8-1/2 X 11" PAPER. THE TYPE AND SCOPE OF INFORMATION TO BE PROVIDED IS DESCRIBED IN THE LICENSE APPLICATION GUIDE.

<p>5. RADIOACTIVE MATERIAL a. Element and mass number; b. chemical and/or physical form; and c. maximum amount which will be possessed at any one time.</p>	<p>6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED.</p>				
<p>7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING EXPERIENCE.</p>	<p>8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.</p>				
<p>9. FACILITIES AND EQUIPMENT.</p>	<p>10. RADIATION SAFETY PROGRAM.</p>				
<p>11. WASTE MANAGEMENT.</p>	<p>12. LICENSE FEES (See 10 CFR 170 and Section 170.31)</p> <table border="1"> <tr> <td>FEE CATEGORY</td> <td>3.P</td> <td>AMOUNT ENCLOSED</td> <td>\$ 1,500.00</td> </tr> </table>	FEE CATEGORY	3.P	AMOUNT ENCLOSED	\$ 1,500.00
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13. CERTIFICATION. (Must be completed by applicant) THE APPLICANT UNDERSTANDS THAT ALL STATEMENTS AND REPRESENTATIONS MADE IN THIS APPLICATION ARE BINDING UPON THE APPLICANT.

THE APPLICANT AND ANY OFFICIAL EXECUTING THIS CERTIFICATION ON BEHALF OF THE APPLICANT, NAMED IN ITEM 2, CERTIFY THAT THIS APPLICATION IS PREPARED IN CONFORMITY WITH TITLE 10, CODE OF FEDERAL REGULATIONS, PARTS 30, 32, 33, 34, 35, 36, 39, AND 40, AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF.

WARNING: 18 U.S.C. SECTION 1001 ACT OF JUNE 25, 1948 62 STAT. 749 MAKES IT A CRIMINAL OFFENSE TO MAKE A WILLFULLY FALSE STATEMENT OR REPRESENTATION TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES AS TO ANY MATTER WITHIN ITS JURISDICTION.

<p>CERTIFYING OFFICER - TYPED/PRINTED NAME AND TITLE</p> <p>Joshua N. Diaz, Engineering Manager/RSO</p>	<p>SIGNATURE</p> 	<p>DATE</p> <p>2/15/12</p>
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FOR NRC USE ONLY					
TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
			\$		
APPROVED BY				DATE	



DIEFFENBAUCH & HRITZ

DIEFFENBAUCH & HRITZ, LLC
12 Rousch Drive
Morgantown, WV 26501
Office: 304-985-5555
Fax: 304-985-5557

5. RADIOACTIVE MATERIAL

a. Element and Mass Number	b. Chemical and/or physical form	c. Maximum amount which will be possessed at one time
A. Cesium-137	Sealed Source Troxler Dwg. 102112	2 sources of 9 mCi each (18 mCi)
B. Americium-241	Sealed Source Troxler Dwg. 102451	2 sources of 44 mCi each (88 mCi)

6. PURPOSE(S) FOR WHICH LICENSED MATERIALS WILL BE USED

- A. To be used in Troxler model 3430 series gauges for measurement of physical properties of materials.
- B. To be used in Troxler model 3430 series gauges for measurement of physical properties of materials.

7. INDIVIDUAL RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING EXPERIENCE

The Radiation Safety Officer (RSO) will be named in this application as Joshua N. Diaz. The RSO completed the Radiation Safety Officer Training Class conducted by the training department of Troxler Electronic Laboratories, Inc. on January 31, 2012. Mr. Diaz also completed the Nuclear Gauge Safety Certification and the Hazmat Certification on January 11, 2012. Both were also from Troxler Electronic Laboratories, Inc.

8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS

Before using licensed materials, all gauge users will have successfully completed the Troxler Nuclear Gauge Safety Training Class.

9. FACILITIES AND EQUIPMENT

Our storage facility will comply with all security, signing and public dosage limits.

10. RADIATION SAFETY PROGRAM

10.1. Personnel Monitoring

While using or transporting gauges, personnel will wear a personal monitoring device, such as a TLD badge, to measure radiation exposure. The badges shall be exchanged at intervals not to exceed 3 months. Dosimetry badges shall be provided by a vendor accredited by the National Voluntary Laboratory Accreditation Program (NVLAP).

10.2. Radiation Detection Instruments

We will maintain a survey meter for use in the event of an incident involving the gauge. The survey meter will be calibrated annually by the manufacturer and check for functionality before use (e.g. with the gauge sources or a check source).

10.3. Sealed Source Leak Testing

Leak tests will be performed at intervals not to exceed 6 months using an approved kit in accordance with the kit supplier's instructions. Leak test samples will be analyzed by an organization authorized by the NRC.

10.4. Material Receipt and Accountability

Records of receipt, transfer, and disposal of gauges will be maintained for no less than 3 years. Physical inventories of sealed sources will be conducted at intervals of no more than 6 months. Gauge utilization logs will be kept for no less than 3 years.

10.5. Public Dose

We ensure that the gauges are stored, used, and transported in such a way that no member of the public receives a dose of more than 100 mrem in one year. We will also ensure that the dose in any unrestricted area where the public may have access, will not have a dose of more than 2 mrem in any one hour.

10.6. Operating and Emergency Procedures

Please see **Attachment A** for the operating and emergency procedures which will be distributed to gauge users before initial use and kept on the job site while in use.

10.7. Maintenance

We will implement and maintain procedures for routine maintenance (cleaning and lubrication) of our gauges according to the manufacturer's recommendations and instructions. We will also send the gauge to the manufacturer to perform non-routine maintenance or repair operations that require removal of the source or source rod from the gauge.

10.8. Transportation

We will implement and maintain safety programs which ensure that all DOT regulations are followed. Any person who will be transporting the gauges will obtain their HAZMAT Certification prior to transport.

10.9. Audit Program

An audit of the radiation safety program content and implementation will be performed and documented annually. Records of the audits will be maintained for at least 3 years. Corrective actions will be taken promptly to prevent recurrence of deficiencies.

11. WASTE MANAGEMENT

Any licensed materials which need disposed of will be transferred to an authorized recipient, a commercial waste disposal firm, or another licensee authorized to possess the licensed material.

ATTACHMENT A

OPERATING AND EMERGENCY PROCEDURES



Appendix A

Operating and Emergency Procedures

Operating Procedures

1. Always wear assigned personnel dosimetry devices (e.g. TLD badge) when using or transporting a gauge.
 2. Never wear another person's dosimeter.
 3. Never store a dosimeter near the gauge or another radiation source.
 4. Before removing the gauge from its place of storage, ensure that in gauges with movable source rods, the rod is locked in the shielded position, and the transport case is locked.
 5. Sign out the gauge in a logbook, stating the date(s) of use, name(s) of authorized user(s) who will be responsible for the gauge, and the temporary job site(s) where the gauge will be used.
 6. Block and brace the gauge to prevent movement during transport and lock the gauge in or to the vehicle. Follow all Department of Transportation requirements when transporting the gauge.
 7. Use the gauge according to the manufacturer's instructions and recommendations.
 8. Do not touch the end of the source rod with your fingers, hands, or any part of your body or place any part of the body in the radiation field of the unshielded source.
 9. Unless absolutely necessary, do not look under the gauge when the source rod is being lowered to the ground. If you must look under the gauge to align the source rod with hole, keep all body parts as far from the unshielded source as possible to minimize radiation exposure.
 10. After completing next measurement in which the source is unshielded, immediately return the source to the shielded position.
 11. Always maintain constant surveillance and immediate control of the gauge when it is not in storage or secured in the transport vehicle. Never leave the gauge unattended. Protect the gauge and yourself from danger of moving heavy equipment.
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12. Always keep unauthorized persons away from the area where the gauge is being used.
 13. Perform routine cleaning and maintenance according to the manufacturer's instructions and recommendations.
 14. When the gauge is not in use at a temporary job site, place the gauge in our secured storage location in the office or double lock the gauge and case in or to the transport vehicle.
 15. Prior to transporting the gauge, ensure that each gauge source is in the fully shielded position. Ensure that the source rod is locked in the shielded position and that the gauge is placed into the case and lock the case. Block and brace the gauge to prevent movement during transportation. Lock the case in or to the vehicle.
 16. Return the gauge to the storage facility in the office or double lock the gauge and case in or to the transport vehicle whenever the gauge is not under constant surveillance.
 17. Log the gauge into the daily use log when it is returned to storage.
 18. If gauges are used for measurements with unshielded source extended more than 3 feet below the surface, use piping, tubing or other casing material to line the hole from the lowest depth to 12 inches above the surface. If the piping, tubing, or other casing material cannot extend 12 inches above the surface, cap the hole liner or take other steps to ensure that the hole is free of debris (and it is unlikely that debris will enter the cased hole), so that the unshielded source can move freely (e.g., use a dummy probe to verify that the hole is free of obstructions).
 19. After making changes affecting the gauge storage area (e.g. changing the locations of the gauges within the area, removing shielding, adding gauges, changing the occupancy of adjacent areas, moving the storage area to a new location), reevaluate compliance with public dose limits and ensure proper security of gauges.

Emergency Procedures

The following procedures apply when the source fails to return to the shielded position (e.g., as a result of being damaged, source becomes stuck below the surface) or if any other emergency or unusual situation arises (e.g., the gauge is struck by a moving vehicle or is in an accident involving a vehicle):

1. Immediately secure the area and keep people at least 15 feet away from the gauge until the situation is assessed and radiation levels are known. However, perform first aid for injured individuals and remove them from the area only when medically safe to do so.
2. If any heavy equipment is involved, detain the equipment and operator until it is determined there is no contamination present.

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3. Gauge user and other potentially contaminated individuals should not leave the scene until emergency assistance arrives.
 4. Visually inspect the gauge to determine the position of the source rod (exposed or shielded), and the position of the source shutter (open or closed), and the extent of the damage, if any, to the source of the housing and/or shielding.
 5. Notify the persons in the order listed below:

Name and Title	Daytime Phone Number	After Hours Phone Number
Joshua Diaz, RSO	(304)985-5555	(304)276-7756
John Dieffenbauch, Pres.	(304)985-5555	(304)376-3959
Ken Brown, Manuf. Rep.	(919)485-2214	(919)819-4552
NRC Emergencies	(301)415-3716	(301)415-3716

6. Follow the directions provided by the person contacted above.
7. RSO and Licensee management must:
 - a. Arrange for a radiation survey to be conducted as soon as possible by a knowledgeable person using appropriate radiation detection instrumentation. This person could be a licensee employee or a consultant. The person must be competent in the use of the survey meter.
 - b. Make necessary notifications to local authorities as well as the NRC.
 - c. Reports to the NRC must be made within the reporting timeframes specified in the regulations. Reporting requirements are found in 10 CFR 20.2201-2203 and 10 CFR 30.50.

This is to acknowledge the receipt of your letter/application dated

2/15/01, and to inform you that the initial processing which includes an administrative review has been performed.

New License (03038518)
There were no administrative omissions. Your application was assigned to a technical reviewer. Please note that the technical review may identify additional omissions or require additional information.

Please provide to this office within 30 days of your receipt of this card

A copy of your action has been forwarded to our License Fee & Accounts Receivable Branch, who will contact you separately if there is a fee issue involved.

Your action has been assigned **Mail Control Number** 576975.
When calling to inquire about this action, please refer to this control number.
You may call us on (610) 337-5398, or 337-5260.