

LEE—SIMPSON ASSOCIATES, INC., CONSULTING ENGINEERS

203 W. Weber Avenue
PHONE: 814-371-7750

P.O. Box 504

DuBois, PA 15801
FAX: 814-371-8864



November 1, 2004

CERTIFIED MAIL NO. 7099 3220 0011 0194 3063

Licensing Assistant Section
Nuclear Materials Safety Branch
U.S. Nuclear Regulatory Commission, Region 1
475 Allendale Road
King of Prussia, PA 19408-1415

Gentlemen:

Enclosed are two copies of our application for renewal of license number 37-23459-01 and our check in the amount of \$730.00 for the renewal fee.

Very truly yours,

LEE-SIMPSON ASSOCIATES, INC.


Edward S. Nasuti, P.E.
Radiation Safety Officer

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encls.

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RECEIVED
REGION 1

135992

NUREG/REGNI MATERIALS-002

APPLICATION FOR MATERIAL LICENSE

Estimated burden per response to comply with this mandatory collection request: 7.4 hours. Submittal of the application is necessary to determine that the applicant is qualified and that adequate procedures exist to protect the public health and safety. Send comments regarding burden estimate to the Records Management Branch (T-6 E6), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to bjs1@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0000), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

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:

DIVISION OF INDUSTRIAL AND MEDICAL NUCLEAR SAFETY
OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001

ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS:

IF YOU ARE LOCATED IN:

CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, MAINE, MARYLAND,
MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, PENNSYLVANIA,
RHODE ISLAND, OR VERMONT, SEND APPLICATIONS TO:

LICENSING ASSISTANT SECTION
NUCLEAR MATERIALS SAFETY BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

ALABAMA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, PUERTO
RICO, SOUTH CAROLINA, TENNESSEE, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA,
SEND APPLICATIONS TO:

SAM NUNN ATLANTA FEDERAL CENTER
U. S. NUCLEAR REGULATORY COMMISSION, REGION II
61 FORSYTH STREET, S.W., SUITE 23785
ATLANTA, GEORGIA 30303-8931

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
801 WARRENVILLE RD.
LISLE, IL 60532-4351

ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, HAWAII, IDAHO, KANSAS,
LOUISIANA, 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 SECTION
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TX 76011-8064

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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 type="checkbox"/> A. NEW LICENSE</p> <p><input type="checkbox"/> B. AMENDMENT TO LICENSE NUMBER _____</p> <p><input checked="" type="checkbox"/> C. RENEWAL OF LICENSE NUMBER 37-23459-01</p>	<p>2. NAME AND MAILING ADDRESS OF APPLICANT (Include ZIP code)</p> <p>LEE-SIMPSON ASSOCIATES, INC. P.O. Box 504 DuBois, PA 15801</p>
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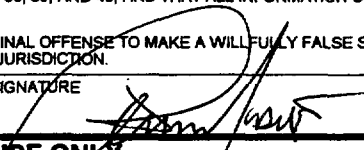
<p>3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED</p> <p>203 West Weber Avenue, DuBois, PA 15801 and at temporary job sites anywhere in the United States where NRC maintains jurisdiction</p>	<p>4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION</p> <p>Jeffrey W. Swanson</p> <hr/> <p>TELEPHONE NUMBER</p> <p>814-371-7750</p>
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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</p> <p>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>170.31</td> <td>1.6</td> <td>AMOUNT ENCLOSED</td> <td>\$730.00</td> </tr> </table>	FEE CATEGORY	170.31	1.6	AMOUNT ENCLOSED	\$730.00
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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 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, 38, 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>EDWARD S NASUTI, PRESIDENT</p>	<p>SIGNATURE</p> 	<p>DATE</p> <p>11/02/04</p>
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FOR NRC USE ONLY

TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
			\$	DATE	135992
APPROVED BY					

LEE-SIMPSON ASSOCIATES, INC.
LICENSE NO. 37-23459-01

5. Radioactive Material

Element and Mass Number A	Chemical and/or Physical Form B	Maximum Amount Possessed at Any One Time C	Manufacturer and Model Number D
(1) CS-137	Sealed Source	Not to exceed 9 millicuries per source	Troxler Drawing #A-102112
(2) AM241:BE	Sealed Source	Not to exceed 44 millicuries per source	Troxler Drawing #A-102451

6. Purpose

Gauges will be used for the purposes described in the SDS registration sheets.

For use in a Troxler Model 3400 Series surface moisture density gauges to measure moisture and density of construction materials.

7. Radiation Safety Program – Individual Responsible

Edward S. Nasuti or any individuals who have completed the manufacturer's training course have been instructed in our operating and emergency procedures. Copies of the certificate of training for each user will be maintained in our files.

Training – See manufacture's Certificate attached.

Edward S. Nasuti

Course Title:	Use of Nuclear Testing Equipment
Where:	Allentown, PA
When:	7/10/84
Course Instructor:	Michael E. Nunley

8. Training

- A. Each employee will complete the device manufacturer's training program before being permitted to use the device.
- B. No other training other than that by the device manufacturer will be given.
- C. Records documenting the training of each employee will be maintained for two years from the date training is completed.

9. Facilities and Equipment

Equipment: Surface Moisture Density Gauges: Troxler Electronics: 3400 series.

November 1, 2004

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Facilities: The device will be stored in a locked enclosure such as a store room or transport vehicle. When in use, it will be tended under the constant surveillance and immediate control of the licensee.

10. Radiation Safety Program

Copy attached.

11. Waste Management

Sources will be returned to the manufacturer or another authorized licensee when use is discontinued.

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1. Radiation Protection Officer

A. Edward S. Nasuti has been designated as the company Radiation Safety Officer and will assume the duties and responsibilities that include:

- 1) To assure 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 assure that the use of the equipment is only by individuals that have been authorized by the Radiation Protection Officer; and that all users wear personal 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 assure that the equipment is properly secured against unauthorized removal at all times when they are 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 property authorities in case of emergency.
- 7) To assure that all users have read and understand the radiation safety operating and emergency procedures.

2. Audit Program

A. Radiation protection programs are reviewed annually to ensure compliance with NRC and DOT regulations and that occupational doses and doses to members of the public are as low as reasonably achievable.

B. Records of audits and review of program content are maintained for 3 years.

3. Termination of Activities

A. NRC will be notified in writing within 60 days when the principal activities have not been conducted for a period of 24 months or a decision is made to permanently cease licensed activities. Certificate of Disposition of Materials (NRC Form 314) will be submitted.

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4. Instruments

- A. Lee-Simpson Associates, Inc. will either possess and use, or have access to and use, a radiation survey meter that is capable of detecting gamma radiation and can be checked for functionality before use.
- B. The radiation safety officer should be contacted for guidance on availability and contacts for the radiation survey meter.

5. Material Receipt and Accountability

- A. Physical inventories are conducted at intervals not exceeding 6 months, to account for all sealed sources and devices received and possessed under the license.
- B. All records of receipt, transfer, and disposal of gauges are kept on file.

6. Occupational Dosimetry

- A. All authorized users are provided dosimetry processed and evaluated by an NVLAP approved processor that is exchanged at a frequency recommended by the processor.

7. Public Dose

- A. All licensed gauges will be used, transported, and stored in such a way that members of the public will not receive more than 1 millisievert in one year, and the dose in any unrestricted area will not exceed 0.02 millisievert in any one hour from licensed operations.

8. Operating and Emergency Procedures

- A. Operating and emergency procedures have been implemented and are maintained in accordance with NUREG-1556, Vol. 1, Rev. 1, Appendix H. Copies of procedures are provided to all gauge users and at each job site.
- B. Utilization Procedures:
 - 1) When the gauge is in the field, the authorized user will maintain control over the gauge at all times. The gauge will never be left unattended.
 - 2) When not making measurements, the gauge will be placed in the transportation case, and returned to its permanent storage area as soon as possible. The gauge will be used for its intended use only, and the authorized user will maintain any radiation exposure to as low as reasonably attainable.
 - 3) When using the equipment, the authorized user will wear the personal monitoring device that has been assigned to him/her. When the authorized user is not using the

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equipment, their monitoring device will be stored in the radiation free area that has been designated.

- 4) All users will properly sign out the gauge before removing it from the storage area and will sign in the gauge upon returning it to the permanent storage area.
- 5) All users are familiar with the notice to employees posted in the main office area and within NRC Title 10, Chapter 1-49 CFR Energy Parts 19 and 20.

C. Emergency Procedures

- 1) In the event of physical damage to a gauge, the following will be performed:
 - a) The area around the gauge will be immediately cordoned off a minimum radius of 15 feet.
 - b) If a vehicle is involved, it will be stopped until the extent of contamination, if any, can be established.
 - c) A visual inspection of the gauge will be made to determine if the source housing and/or shielding has been damaged.
 - d) At the earliest possible time, when the situation is under control, the Radiation Safety Officer, Edward S. Nasuti (telephone 7814-371-7750) will be contacted. The present conditions will be described and the user will follow the instructions of the Radiation Safety Officer.
- 2) In the event the gauge is lost or stolen, the Radiation Safety Officer will be contacted immediately.

9. Leak Tests

- A. Leak tests will be performed at intervals approved by NRC or an agreement state and specified in the sealed source and Device Registration Sheet. Leak tests will be performed by an organization authorized by NRC or an agreement state to provide leak testing services to another licensees or using a leak test kit supplied by an organization authorized by NRC or an agreement state to provide leak test kits to other licenses and according to the kit supplier's instructions.
- B. The leak test will be performed using the Troxler Model 3800 Leak Test Kit. The leak test will be performed under the manufacturer's instructions. Again, the personal monitoring device will be worn and all means to limit radiation exposure will be employed. Gauges will be leak tested at intervals not to exceed six (6) months.

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10. Maintenance

A. Routine cleaning and maintenance:

- 1) Maintenance procedures have been implemented for routine maintenance of our gauges according to the manufacturer's recommendations and instructions. During any maintenance, personal monitoring device will be worn.

B. Non routine maintenance or repair operations that require detaching the source or source rod from the gauge:

- 1) The gauge will be sent to the manufacturer or other person authorized by NRC or any agreement state to perform non routine maintenance or repair operations that required detaching the source or source rod from the gauge.

11. Transportation

- A. All possible means will be provided to ensure that the equipment is fully secured in the transporting vehicle; and the equipment is away from passenger compartment. When transporting in an enclosed vehicle (car or van) the vehicle will be locked. When transporting in an open bed vehicle the gauge will be securely fastened and locked to the truck bed.
- B. The gauge will be transported in the Troxler transportation case. The U.S. Department of Transportation requires that the gauge be transported in a properly labeled carrying case.
- C. The operator will have copies of the source certificate, license, leak test, bill of lading, and training certificate.

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

11/2/2004, and to inform you that the initial processing which includes an administrative review has been performed.

REMOVED 37-23458-01
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** 135992.
When calling to inquire about this action, please refer to this control number.
You may call us on (610) 337-5398, or 337-5260.

BETWEEN: : (FOR LFMS USE)
 : INFORMATION FROM LTS
 : -----
 :
 License Fee Management Branch, ARM : Program Code: 03121
 and : Status Code: 2
 Regional Licensing Sections : Fee Category: 3P
 : Exp. Date: 20041231
 : Fee Comments: _____
 : Decom Fin Assur Reqd: N
 : ::

LICENSE FEE TRANSMITTAL

A. REGION I

1. APPLICATION ATTACHED
 Applicant/Licensee: LEE-SIMPSON ASSOCIATES, INC.
 Received Date: 20041115
 Docket No: 3022213
 Control No.: 135992
 License No.: 37-23459-01
 Action Type: Renewal

2. FEE ATTACHED
 Amount: \$730.00
 Check No.: 6755

3. COMMENTS
NO FEE DUE FOR
RENEWAL.
 Signed M. A. Perkins
 Date 11/17/2004

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

- 1. Fee Category and Amount: _____
- 2. Correct Fee Paid. Application may be processed for:
 Amendment _____
 Renewal _____
 License _____
- 3. OTHER _____

Signed _____
 Date _____