



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD
LISLE, ILLINOIS 60532

NOV 22 2004

Russell Smith
Radiation Safety Officer
McGhie & Betts, Inc.
1648 Third Avenue S.E.
Rochester, MN 55904

Dear Mr. Smith:

Enclosed is Amendment No. 05 renewing your NRC Material License No. 22-23403-01 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:

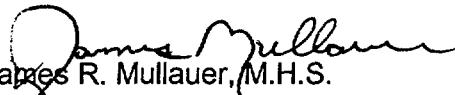
1. Operate in accordance with NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers; Inspections," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Notify NRC, in writing, within 30 days:
 - a. When the Radiation Safety Officer permanently discontinues performance of duties under the license or has a name change; or
 - b. When the mailing address listed on the license changes.
3. 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.
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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). The NRC's document system is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at 800-397-4209 or 301-415-4737 or pdr@nrc.gov.

Sincerely,


James R. Mullauer, M.H.S.
Health Physicist
Materials Licensing Branch

License No. 22-23403-01
Docket No. 030-31178

Enclosure: Amendment No. 05

MATERIALS LICENSE

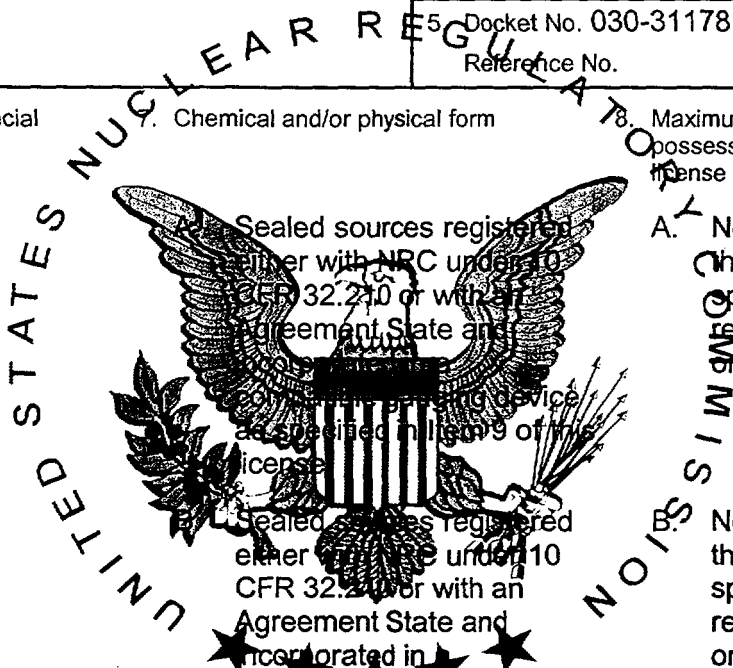
Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, 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.

PC 03121

313686

<p>Licensee</p> <p>1. McGhie & Betts, Inc.</p> <p>2. 1648 Third Avenue, S.E. Rochester, MN 55904</p>	<p>In accordance with letter dated August 9, 2004,</p> <p>3. License number 22-23403-01 is renewed in its entirety to read as follows:</p> <p>4. Expiration date November 30, 2014</p> <p>5. Docket No. 030-31178 Reference No.</p>
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<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Cesium-137</p> <p>B. Americium-241</p>	<p>7. Chemical and/or physical form</p> <p>A. Sealed sources registered either with NRC under 10 CFR 32.210 or with an Agreement State and incorporated in a compatible gauging device as specified in Item 9 of this license.</p> <p>B. Sealed sources registered either with NRC under 10 CFR 32.210 or with an Agreement State and incorporated in a compatible gauging device as specified in Item 9 of this license.</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. No single source to exceed the maximum activity specified in the certificate of registration issued by NRC or an Agreement State.</p> <p>B. No single source to exceed the maximum activity specified in the certificate of registration issued by NRC or an Agreement State.</p>
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9. Authorized Use:

A. and B. To be used in Troxler Model 3400 Series surface moisture/density gauges.

CONDITIONS

- 10. Licensed material may be stored at the licensee's facilities located at 1648 Third Avenue, S.E., Rochester, Minnesota; 1604 Riverview Lane, Northfield, Minnesota 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. Licensed material shall only be used by, or under the supervision and in the physical presence of, individuals who have received the training described in letter dated August 9, 2004.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

22-23403-01

Docket or Reference Number

030-31178

Amendment No. 05

12. A. The Radiation Safety Officer (RSO) for this license is Russell Smith.
- B. Before assuming the duties and responsibilities as RSO for this license, future RSOs shall have successfully completed one of the training courses described in Criteria in Section 8.8 of NUREG-1556, Volume 1, dated November, 2001.
13. A. Sealed sources 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.
- B. In the absence of a certificate from a transferor indicating that a leak test has been made within 6 months prior to the transfer, a sealed source received from another person shall not be put into use until tested.
- C. Sealed sources need not be leak tested if they are in storage, and are not being used. However, when they are removed from storage for use or transferred to another person, and have not been tested within the required leak test interval, they shall be tested before use or transfer. No sealed source shall be stored for a period more than 10 years without being tested for leakage and/or contamination.
- D. The leak test shall be capable of detecting the presence of 0.005 microcurie (185 becquerels) of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie (185 becquerels) or more of removable contamination, a report shall be filed with the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 30.50(b)(2), and the source shall be removed immediately from service and not be repaired, resealed, or disposed of in accordance with Commission regulations.
- E. The licensee is authorized to collect leak test samples for analysis by Troxler. Alternatively, tests for leakage and/or contamination may be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.
14. Sealed sources or source rods containing licensed material shall not be opened or sources removed or detached from source rods or gauges by the licensee.
15. 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.
16. The licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.
17. The licensee is authorized to transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
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 30.35(d) for establishing decommissioning financial assurance.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number
22-23403-01

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19. 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.
20. 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.
21. Except for maintaining labeling as required by 10 CFR Part 20 or 71, the licensee shall obtain authorization from NRC before making any changes in the sealed source, device, or source-device combination that would alter the description or specifications as indicated in the respective Certificates of Registration issued either by the Commission pursuant to 10 CFR 82.210 or by an Agreement State.
22. A. If the licensee uses unshielded sealed sources extended more than 3 feet below the surface, the licensee shall use surface casing that extends from the lowest depth to 12 inches above the surface and other appropriate procedures to reduce the probability of the source or probe becoming lodged below the surface. If it is not feasible to extend the casing 12 inches above the surface, the licensee shall implement procedures to ensure that the cased hole is free of obstruction before making measurements.
- B. If a sealed source or a probe containing sealed sources becomes lodged below the surface and it becomes apparent that efforts to recover the sealed source or probe may not be successful, the licensee shall notify the U. S. Nuclear Regulatory Commission and submit the report required by 10 CFR 30.50(b)(2) and (3). The licensee shall not remove the sealed source or probe without obtaining the Commission's prior written consent.
23. 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 U.S. 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. Letter dated August 9, 2004, with attached application for renewal.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date NOV 22 2004

By James R. Mullauer
James R. Mullauer, M.H.S.
Materials Licensing Branch
Region III



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352
September 20, 2004

Russell Smith
Radiation Safety Officer
McGhie & Betts, Inc.
1648 Third Avenue, S.E.
Rochester, MN 55904

SUBJECT: LICENSE RENEWAL APPLICATION

Dear Russell Smith:

This is to acknowledge receipt of your application for renewal of the material(s) license identified below. Your application is deemed timely filed. Renewal actions are normally processed within 180 days. However, under timely filing (before expiration) your license will not expire until final action has been taken by this office.

Any correspondence regarding the renewal application should reference the control number specified below, and your license number.

Materials Licensing Branch

License No. : 22-23403-01
Control No. : 313686