**STATE OF NEW YORK – DEPARTMENT OF LABOR**
**DIVISION OF SAFETY AND HEALTH**

# RADIOACTIVE MATERIALS LICENSE

DL# **04-346**



PURSUANT TO THE LABOR LAW AND INDUSTRIAL CODE RULE 38, AND IN RELIANCE ON STATEMENTS AND REPRESNETATIONS HERETOFORE MADE BY THE LICENSEE DESIGNATED BELOW, A LICENSE IS HEREBY ISSUED AUTHORIZING SUCH LICENSEE TO RECEIVE, POSSESS, USE AND TRANSFER RADIOACTIVE MATERIAL(S) DESIGNATED BELOW; AND TO USE SUCH RADIOACTIVE MATERIALS FOR THE PURPOSE(S) AND AT THE PLACE(S) DESIGNATED BELOW. THIS LICENSE IS SUBJECT TO ALL APPLICABLE RULES, REGULATIONS AND ORDERS NOW OR HEREAFTER IN EFFECT OF ALL APPROPRIATE REGULATORY AGENCIES AND TO ANY CONDITIONS SPECIFIED BELOW.

| 1. NAME OF LICENSEE: | 3. LICENSE NUMBER |
|---|---|
| Advance Testing Company, Inc. FEIN: 14-1672799 PHONE: 845-496-1600 | 2434-3468 |
| | 4. EXPIRATION DATE: January 31, 2008 |
| 2. ADDRESS OF LICENSEE: 3348 Route 208, Campbell Hall, NY 10916 | 5A. REFERENCE NO. 7 b. AMENDMENT NO. 2 |

| 6. Radioactive Materials (element in mass number) | 7. Chemical and/or physical form | 8. Maximum quantity licensee may possess at any one time |
|---|---|---|
| A. Cesium 137 | A. Sealed Source | A. See Condition 9 |
| B. Americium 241:Beryllium | B. Sealed Source | B. See Condition 9 |
| C. Cobalt 57 | C. Sealed Source | C. See Condition 9 |
| D. Cadmium 109 | D. Sealed Source | D. See Condition 9 |

9 Authorized use.

Conditions 6.A through 6D:

1 The licensee is authorized to use any sealed source, or associated portable moisture/density gauge, or associated portable x-ray fluroescence device which has been manufactured and distributed in accordance with a specific license issued by an Agreement State or the United States Nuclear Regulatory Commission. Combinations of sources and devices must be compatible for use as stated in a Sealed Source and Device Registration Certificate (i.e. stated in the registration certificate for the source or device).

2 No single source may exceed the maximum activity specified for that nuclide in the Sealed Source and Device Registration Certificate for any device in which the source is to be used.

10 A. Licensed material shall be stored at the location indicated in Condition 2 and may be used at temporary job sites of the licensee anywhere within the State of New York, where the Department of Labor exercises jurisdiction.

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B. Overnight storage at other locations shall be in accordance with statements referenced in Condition 23. of the license, provided that such storage may not be in a residence, or in an attached garage except within a vehicle. Any vehicle used for storage shall be driven only for purposes associated with use or transport of the contained radioactive material, by a person qualified to use the material, and no passengers shall be carried unless they are also involved in work under this license. Vehicular storage shall only be allowed if no other storage is possible and shall not exceed five (5) consecutive nights unless authorization to exceed this limit is obtained from the Department.

C. Under no circumstances shall radioactive material authorized by this license be transferred to the custody of any person or firm other than the licensee, or be used or stored by another person or firm or its employees; unless that person or firm possesses a valid license to possess and use such radioactive material.

11 A. The Radiation Safety Officer for this license is Daryl R. O'Dell.

B. Licensed material shall be used by, or under the supervision of the Radiation Safety Officer, by licensee personnel trained and certified by the manufacturer. The licensee shall maintain a complete and accurate record of the qualifications of each person permitted to use radiation sources under this license.

12 Sealed sources containing radioactive materials shall not be opened or removed from gauge by the licensee.

13 A. The licensee is not authorized to dismantle, repair or effect any changes in the source holders/gauges. Any maintenance involving exposure of the source or removal of shielding is prohibited. All other maintenance shall be performed in accordance with the manufacturer's recommendations.

B. The licensee shall not alter labels attached to source holders or devices, and shall maintain labels in legible condition at all times.

14 The licensee shall instruct persons who engage in work under the license, in accordance with section 38.27(c) of Code Rule 38. Such instruction shall include the licensee's operating and emergency procedures, and other information contained in documents incorporated in Condition 23.

15 The licensee shall conduct a physical inventory every six (6) months to account for all devices received and possessed under the License. The records of the inventories shall be maintained for three (3) years from the date of the inventory for inspection by the Department, and shall include the quantities and kinds of licensed material, Manufacturer's Name and Model No., location of devices, the date of the inventory and the name of the person who performed it.

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16 A. The licensee shall maintain a utilization log containing the identification of sources used, dates removed and returned to storage, the location of use, the identity of user, and the daily check of sliding blocks required by Condition 21.

B. The log shall be kept at the location of storage and shall contain sufficient detail to enable the licensee to inform the Department at any time, of the exact location of each device.

17 Current copies of the following documents shall be maintained at temporary job sites for Department inspection:

A. The manufacturer's instruction manual and the licensee's operating and emergency procedures.

B. A copy of the results of the latest test for leakage and/or contamination performed on the sealed sources.

18 A. In the event that a theft, loss or other serious incident does occur, the Department shall be notified immediately by telephone and subsequent information acquired by the licensee shall be reported as it is received. All device users must carry the NYSDOL's current telephone number in their emergency procedures.

B. In the event that a gauge is damaged, the gauge and surrounding area shall be surveyed with an appropriate survey meter, and the results of the survey shall be reported to and approved by the Department before the gauge is removed from the site.

19 A. The licensee shall ensure that all persons authorized to use portable devices comply with safe use and maintenance procedures and that they do not leave a device unattended or unsecured at any time, even for a few minutes.

B. Each gauge shall be maintained as prescribed by the manufacturer. In particular, the licensee must take such actions as are necessary to keep gauges in compliance with the Sealed Source & Device Registry sheets for the devices, including any recalls, safety retrofits, inspections or other actions specified by the device manufacturer.

C. Licensees shall ensure that gauges are only used by individuals who have received the required training, and who follow prescribed procedures. Any evidence of abuse, mishandling or failure to perform necessary maintenance by a worker must be addressed and corrected.

20 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 Section 38.7 of 12 NYCRR 38 for establishing decommissioning financial assurance.

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21 Each gauge shall be inspected on each day of use before use, and upon its return to storage, to ensure proper operation of all safety features including the following:

A. Turn the gauge over and visually verify that the tungsten sliding block is completely closed, keeping as much distance as possible between you and the base of the gauge. If any portion of the opening is uncovered, the sliding block must be cleaned and returned to the fully closed position before transporting, using, or storing the gauge. The manufacturer's instructions for cleaning the sliding block must be followed.

B. If a radiation survey meter is available, and in good working order, radiation levels at the gauge surface shall also be checked. The exposure rate should be approximately 10-20 mrem per hour.

C. If a sliding block is found to be partially or fully open, the Department of Labor must be notified by telephone within 24 hours.

22 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.

23 Except as specifically provided otherwise in this License, the licensee shall conduct its program in accordance with the statements, representation and procedures contained in the documents, including any enclosures, listed below. The Department's Regulations shall govern, unless the statements, representation and procedures in the licensee's application and correspondence are more

A. License Renewal Application dated February 12, 2002, signed by Christopher M. Brower, with attachments

B. Leter dated April 2, 2002, signed by Christopher Brower, with attachments.

C. Letter dated March 21, 2004, signed by Daryl R. O'Dell, with attachment.

**D. License Renewal Request dated November 20, 2004, signed by James P. Smith, Jr., with attachments.**

Linda Angello
COMMISSIONER OF LABOR

Date: 1/19/05

by: Claytor J. Bradt, CHP
Principal Radiophysicist