

**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.

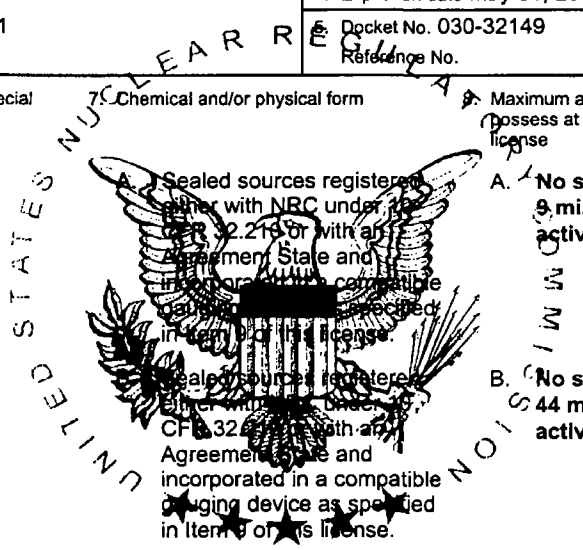
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<p>Licensee</p> <p>1. Bacco Construction Company</p> <p>2. P.O. Box 458 Iron Mountain, MI 49801</p>	<p>In accordance with the letter dated <b>March 13, 2006</b>, and facsimile letter dated <b>June 5, 2006</b>,</p> <p>3. License number 21-26308-01 is amended in its entirety to read as follows:</p> <p>4. Expiration date May 31, 2011</p> <p>5. Docket No. 030-32149 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>C. Americium-241</p>	<p>7. Chemical and/or physical form</p> <p>A. Sealed sources registered either with NRC under 10 CFR 2.216 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 32.216 or with an Agreement State and incorporated in a compatible gauging device as specified in Item 9 of this license.</p> <p>C. 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 9 millicuries each. Total activity 90 millicuries.</p> <p>B. No single source to exceed 44 millicuries each. Total activity 440 millicuries.</p> <p>C. No single source to exceed 100 millicuries. Total activity 200 millicuries.</p>
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9. Authorized Use:
- A. To be used in Troxler Model 3400 series moisture/density gauges for measuring physical properties of materials.
  - B. To be used in Troxler Model 3400 series moisture/density gauges for measuring physical properties of materials.



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- C. To be used in Troxler Model 3241 Series asphalt content gauges for measuring physical properties of materials.**

CONDITIONS

10. Licensed material may be used at N 3660 North U.S. 2, Iron Mountain, Michigan and 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 **facsimile letter dated June 5, 2006**, and have been designated by the licensee's Radiation Safety Officer. The licensee shall maintain records of the individuals who have been designated as authorized users.
12. A. The Radiation Safety Officer (RSO) for this license is John Fortier.
- 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 Criterion Section 8.8 of NUREG-1556, Volume 1, dated March 1997.
13. A. Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by NRC under 10 CFR 32.210 or by an Agreement State.
- B. In the absence of a certificate from a transferor indicating that a leak test has been made within the intervals specified in the certificate of registration issued by NRC under 10 CFR 32.210 or by an Agreement State prior to the transfer, a sealed source or detector cell received from another person shall not be put into use until tested.
- C. Sealed sources need not be 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 of 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(c)(2), and the source shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations.

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- E. Tests for leakage and/or contamination shall be performed by persons specifically licensed by the Commission or an Agreement State to perform such services. In addition, the licensee is authorized to collect leak test samples but not perform the analysis; analysis of leak samples must 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, except as specifically authorized.
  15. **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. A minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever the portable gauge is not under the control and constant surveillance of the licensee are required.**
  16. The licensee shall conduct a physical inventory every 6 months, or at other intervals approved by NRC, to account for all sources and/or devices received and possessed under the license.
  17. The licensee may transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
  18. Any cleaning, maintenance, or repair of the licensee requires detaching the source or source rod from the gauge shall be performed only by the licensee or other persons specifically licensed by the Commission or an Agreement State to perform such services.
  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 30.05(d) for establishing decommissioning financial assurance.
  20. 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 32.210 or by an Agreement State.
  21. The licensee shall possess and use or have access to and use a radiation survey meter that meets the criteria in the section entitled "Radiation Safety Program - Instruments" in NUREG-1556, Vol. 1, dated May 1997, in the event of an incident.

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22. 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. Application dated March 29, 2001; and
- B. Letter dated March 13, 2006; and
- C. Facsimile letter June 5, 2006.



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date JUN 12 2006By William P. Reichhold  
William P. Reichhold  
Materials Licensing Branch  
Region III