UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

July 23, 2007

Docket No. 03034422 License No. 37-30385-01
Control No. 140064

Bernard M. Milhalcin
President
Pennsylvania Soil and Rock, Inc.
570 Beatty Road
Monroeville, PA 15146

SUBJECT: PENNSYLVANIA SOIL AND ROCK, INC., LICENSE RENEWAL, CONTROL NO. 140064

Dear Mr. Milhalcin:

This refers to your request for renewal of your NRC license. Enclosed with this letter is the renewed license.

The facility at 14900 Lincoln Highway, Route 30, North Huntingdon, Pennsylvania may be released for unrestricted use. This renewal adds the new facility as requested.

This renewal also deleted Californium-252 (CF-252). Leak tests provided for release of your facility in North Huntingdon, Pennsylvania confirmed no leaking sources. Our telephone conversation on Jul 23, 2007 also confirmed that you have not and do not plan to purchase any devices containing Cf-252 sources.

Your application dated July 5, 2007 indicated a lower maximum source activity for the sources in the InstroTek Model Xplorer 3500 gauge than that listed on the on-line Sealed Source and Device Registration that is available to NRC personnel. As such, I provided you with the higher activity that is listed in the registry.

The amended license is written in accordance with current NRC policy and includes significant changes. Item 8 of the license specifies the possession limit of each authorized material, based on the total number of gauges that you currently possess. You are required to request amendment to your license to increase these possession limits prior to acquiring additional gauge(s).

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 I Office, Licensing Assistance Team, (610) 337-5239, so that we can provide appropriate corrections and answers.

The NRC expects licensees to conduct their programs with meticulous attention to detail and high standards of safety and compliance. Because of the serious consequences to employees and the public that can result from failure to comply with NRC requirements, you must conduct your program according to NRC regulations, the conditions of your NRC license, and the representations made in your application. 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 the NRC in writing of any change in mailing address.

3. In accordance with 10 CFR 30.36(d), notify the 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 acquire 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; or

   c) add or change the areas of use, or addresses of use identified in the license application or on the license; or

   d) change the name or ownership of your organization.

5. Submit a complete renewal application or termination request at least 30 days before the expiration date of your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of byproduct material after your license expires is a violation of NRC regulations.

You will be periodically inspected by the NRC. Failure to conduct your program safely and in accordance with NRC regulations, license conditions, and the representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, imposition of a civil penalty, or an order suspending, modifying or revoking your license.

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14).

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material;** then **Regulations, Guidance, and Communications.** You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

Thank you for your cooperation.

Sincerely,

Original signed by Kathy Dolce Modes

Kathy Dolce Modes
Health Physicist
Materials Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Amendment No. 4

cc:
Mark R. Brashear, P.E., Radiation Safety Officer

DOCUMENT NAME: C:\FileNet\ML072040134.wpd

SUNSI Review Complete: KModes
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Amendment No. 4

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.

Licensee	In accordance with the letter dated January 30, 2007,
1. Pennsylvania Soil and Rock, Inc.	3. License number 37-30385-01 is amended in its entirety to read as follows:
2. 570 Beatty Road Monroeville, Pennsylvania 15146	4. Expiration date July 31, 2017
	5. Docket No. 030-34422 Reference No.

6. Byproduct, source, and/or special nuclear material	7. Chemical and/or physical form	8. Maximum amount that licensee may possess at any one time under this license
A. Cesium 137	A. Sealed sources (Troxler Drawing No. A-102112)	A. 9 millicuries per source and 99 millicuries total
B. Cesium-137	B. Sealed Sources (Isotope Product Laboratories Model No. HEG-137)	B. 11 millicuries per source and 22 millicuries total
C. Cesium 137	C. Sealed Sources (AEA Technology QSA Inc. Model No. CDC.805)	C. 11 millicuries per source and 22 millicuries total
D. Americium 241	D. Sealed Sources (Troxler Drawing No. A-102451)	D. 44 millicuries per source and 484 millicuries total
E. Americium 241	E. Sealed Sources (Isotope Product Laboratories Model No. Am1.NO2)	E. 44 millicuries per source and 88 millicuries total
F. Americium 241	F. Sealed Sources (Troxler Drawing No. A-106580)	F. 44 millicuries per source and 88 millicuries total
G. Americium 241	G. Sealed Sources (AEA Technology QSA Inc. Model No. AMN.V997)	G. 44 millicuries per source and 88 millicuries total

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6. Byproduct, source, and/or special nuclear material	7. Chemical and/or physical form	8. Maximum amount that licensee may possess at any one time under this license
H. Americium 241	H. Sealed Sources (Troxler Drawing No. A-102113)	H. 60 millicuries per source and 120 millicuries total

9. Authorized use:

A, D, and F. In Troxler Electronic Labs, Inc. 3400 Series (Model Nos. 3430, 3430-M, 3430 Plus, 3440, and 3440-M, 3440 Plus, 3450, 3451) portable gauging devices for measuring physical properties of materials.

A, D, and H. In Troxler Electronic Labs, Inc. Model Nos. 3411 and 3411B portable gauging devices for measuring physical properties of materials.

B., C., E. and G. In Instro Tek, Inc. Model No. Xplorer 3500 portable gauging devices for measuring physical properties of materials.

CONDITIONS

10. Licensed material may be used or stored at the licensee's facilities located at 570 Beatty Road, Monroeville, Pennsylvania, 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, including areas of exclusive Federal jurisdiction within Agreement States.

    If the jurisdiction status of a Federal facility within an Agreement State is unknown, the licensee should contact the Federal agency controlling the job site in question to determine whether the proposed job site is an area of exclusive Federal jurisdiction. Authorization for use of radioactive materials at job sites in Agreement States not under exclusive Federal jurisdiction shall be obtained from the appropriate state regulatory agency

11. A. Licensed material shall be used by, or under the supervision and in the physical presence of, individuals who have received the training described in the application dated July 5, 2007.

    B. The Radiation Safety Officer for this license is Mark R. Brashear.

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12. 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), 40.36(b), and 70.25(d) for establishing decommissioning financial assurance.

13. A. Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed six months or at the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of 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 the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State, prior to the transfer, a sealed source received from another person shall not be put into use until tested and the test results received.

    C. Sealed sources need not be tested if they contain only hydrogen-3; or they contain only a radioactive gas; or the half-life of the isotope is 30 days or less; or they contain not more than 100 microcuries of beta- and/or gamma-emitting material or not more than 10 microcuries of alpha-emitting material.

    D. 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.

    E. 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.

    F. Tests for leakage and/or contamination, limited to leak test sample collection, shall be performed by the licensee or by other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services. The licensee is not authorized to perform the analysis; analysis of leak test samples must be performed by persons specifically licensed by U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.

    G. Records of leak test results shall be kept in units of microcuries and shall be maintained for 5 years.

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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. The licensee shall conduct a physical inventory every six months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license. Records of inventories shall be maintained for 5 years from the date of each inventory and shall include the radionuclides, quantities, manufacturer's name and model numbers, and the date of the inventory.

16. 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 or storage, or when not under the direct surveillance of an authorized user.

17. Any cleaning, maintenance, or repair of the gauges that requires detaching the source or source rod from the gauge shall be performed only by the manufacturer or by other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.

18. 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 (c). The licensee shall not abandon the sealed source or probe without obtaining the Commission's prior written consent.

19. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

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20. 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. Application dated July 5, 2007 (ML071910503)

For the U.S. Nuclear Regulatory Commission

Date July 23, 2007

By ***Original signed by Kathy Dolce Modes***

Kathy Dolce Modes
Materials Security and Industrial Branch
Division of Nuclear Materials Safety
Region I
King of Prussia, Pennsylvania 19406