

JAMES D. MORRISSEY, INC.
CONTRACTOR

215-333-8000
EMAIL WWW.JDM-INC.COM

9119 FRANKFORD AVENUE
PHILADELPHIA, PENNSYLVANIA 19114-2854

MAIN OFFICE FAX 215-624-3308
ESTIMATING FAX 215-333-9149

July 23, 2007

Licensing Assistance Team
Division of Nuclear Materials Safety
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406-1415

NMS83

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RECEIVED
REGION 1

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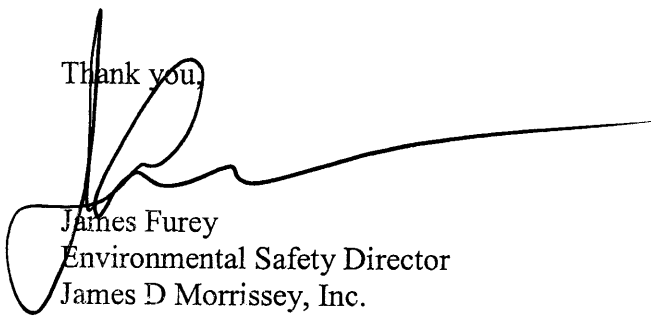
(37-20805-02)

To Whom It May Concern:

Enclosed is an Application for Material License for James D Morrissey, Inc. and a check for \$1200.00 made payable to the "NRC."

If you should have any questions or require further information, please call me at 215-333-8000 (office) or 215-852-1663 (cell).

Thank you,


James Furey
Environmental Safety Director
James D Morrissey, Inc.

140859

NMSS/RGN1 MATERIALS-002

NRC FORM 313
(10-2005)
10 CFR 30, 32, 33,
34, 35, 36, 39, and 40

U.S. NUCLEAR REGULATORY COMMISSION

APPROVED BY OMB: NO. 3150-0120

EXPIRES: 10/31/2008

Estimated burden per response to comply with this mandatory collection request: 4.4 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 and FOIA/Privacy Services Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0120), 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.

APPLICATION FOR MATERIAL LICENSE

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:

ALABAMA, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, FLORIDA, GEORGIA, KENTUCKY, MAINE, MARYLAND, MASSACHUSETTS, MISSISSIPPI, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, PUERTO RICO, RHODE ISLAND, SOUTH CAROLINA, TENNESSEE, VERMONT, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA, SEND APPLICATIONS TO:

LICENSING ASSISTANCE TEAM
DIVISION OF NUCLEAR MATERIALS SAFETY
U.S. NUCLEAR REGULATORY COMMISSION, REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

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
2443 WARRENVILLE ROAD, SUITE 210
LISLE, IL 60532-4352

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 BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TX 76011-4005

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(37-20805-02)

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.

1. THIS IS AN APPLICATION FOR (Check appropriate item)

- A. NEW LICENSE
- B. AMENDMENT TO LICENSE NUMBER _____
- C. RENEWAL OF LICENSE NUMBER _____

2. NAME AND MAILING ADDRESS OF APPLICANT (Include ZIP code)

James D. Morrissey, Inc
9119 Frankford Ave.
Philadelphia, PA 19114

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

Various Job Sites in Philadelphia Area- Stored at Mailing Address.

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

James Furey, Environmental Safety Dir.

TELEPHONE NUMBER

215-333-8000

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.

5. RADIOACTIVE MATERIAL

a. Element and mass number; b. chemical and/or physical form; and c. maximum amount which will be possessed at any one time. See Attached

6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED.

See Attached

7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING EXPERIENCE.

See Attached

8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.

See Attached

9. FACILITIES AND EQUIPMENT. See Attached

10. RADIATION SAFETY PROGRAM.

See Attached

11. WASTE MANAGEMENT. See Attached

12. LICENSE FEES (See 10 CFR 170 and Section 170.31)

FEE CATEGORY 3P AMOUNT ENCLOSED \$1200.00

13. CERTIFICATION. (Must be completed by applicant) THE APPLICANT UNDERSTANDS THAT ALL STATEMENTS AND REPRESENTATIONS MADE IN THIS APPLICATION ARE BINDING UPON THE APPLICANT.

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, 36, 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.

CERTIFYING OFFICER -- TYPED/PRINTED NAME AND TITLE

James Furey- Environmental Safety Director

SIGNATURE

DATE

7/23/07

FOR NRC USE ONLY

TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
			\$		

APPROVED BY

DATE

140859

Application for Material License. Items 5 through 11

5. Radioactive Material- Sealed Sources and Devices

- A. 3450 Surface Moisture-Density Gauge and,
- B. 4640-B Surface Thin Layer Density Gauge

	Element and Mass #	Chemical and/or physical form	Max. amount that will be possessed at one time
A.	Cs-137	Sealed Source Troxler Dwg. A-102112	No single source to exceed 9 mCi.
	Am-241:Be	Sealed Source Troxler Dwg. A-105560.	No single source to exceed 44 mCi.
B.	Cs-137	Sealed Source Troxler Dwg. A-102112	No single source to exceed 9 mCi.

6. Purpose(s) for which license will be used

-The gauge(s) listed above will be used for compaction control of soil, aggregate, concrete, and full depth asphalt.

7. Individual(s) Responsible for Radiation Safety Program and Their Training Experience

- The Radiation Safety Officer will be Jim Furey -Environmental Safety Director
- Current Experience: Radiological Response Technician-
Bucks County Hazardous Materials Response Team
- Before obtaining licensed materials, the RSO will have successfully completed both Troxler's Nuclear Gauge Safety Training Class and Troxler's Radiation Safety Officer Training Class.
- Future RSO's will successfully complete both Troxler's Nuclear Gauge Safety Training Class and Troxler's Radiation Safety Officer Training Class.
- Records of training will be kept by the RSO.

8. Training for Individuals Working in or Frequenting Restricted Areas

- Before using licensed materials, all gauge users will have successfully completed a Nuclear Gauge Safety Training Class.
- The Individuals will also be trained in the proper use of the proposed gauges mentioned in Item 5.
- Records of training will be kept by the RSO.

Radiation Safety Program

Radiation Safety Officer

-Radiation Safety Officer will be responsible for ensuring the following

- Stopping licensed activities that the RSO considers unsafe.
- Possession, use, storage, and maintenance of sources and gauges are consistent with the limitations of the license, and manufacturer's recommendations and instructions
- Individuals using gauges are properly trained.
- When necessary, personnel monitoring devices are used and exchanged at the proper intervals; records of the results of such monitoring are maintained.
- Gauges are properly secured.
- Proper authorities are notified in case of accident, damage to gauges, fire or theft.
- Unusual occurrences involving the gauge (e.g., accident, damage) are investigated, cause(s) and appropriate corrective action are identified and corrective action is taken.
- Audits are performed at least annually and documented, and corrective actions taken.
- Licensed material is transported in accordance with applicable DOT requirements.
- Licensed material is disposed of properly.
- Appropriate records are maintained.
- Up-to-date license is maintained and amendment and renewal requests submitted in a timely manner.

Personnel Monitoring

All Personnel will wear a personnel monitoring device, such as a TLD badge, to measure radiation exposure when using or transporting gauges. The badges shall be exchanged at intervals not to exceed 3 months. Dosimetry badges shall be provided by a vendor accredited by the National Voluntary Laboratory Accreditation Program (NVLAP).

Radiation Detection Instruments

James D Morrissey, Inc. will maintain a survey meter for the use in the event of an incident involving the gauge. The survey meter will be calibrated annually by the manufacturer and checked for functionality before use (e.g., with the gauge sources or a check source).

Sealed Source Leak Testing

Leak tests will be performed at intervals not to exceed 6 months or other interval specified in the license using an approved kit, such as Troxler Leak Test Kit 3880, in accordance with the kit's supplier's instructions. Leak test samples will be analyzed by an organization authorized by the NRC.

Facilities and Equipment

-Permanent gauge storage is located at 9119 Frankford Ave., Philadelphia, PA. in a locked storage area on the second floor of the stockroom. The immediate area is unoccupied. The stockroom office is on the first floor. Extra keys to the locked storage will be kept with the RSO and Yard Superintendent. Only authorized employees will have access to this locked storage area.

Material Receipt and Accountability

Radioactive materials must be tracked from “cradle to grave” so James D Morrissey, Inc. shall:

- Record- receipt, transfer and disposal of gauges, and will maintain those records with the RSO.
- Physical inventories of sealed sources will be conducted at intervals not to exceed 6 months. This will be noted on a Physical Inventory Log and maintained with the RSO.
- Gauge utilizations logs will be kept to record daily usage of the gauges. Again records will be maintained by the RSO.

Public Dose

James D Morrissey, Inc. will ensure that all gauges are used, transported, and stored in such a way that no member of the public receives a dose of more than 100mrem in one year, and that the dose in unrestricted areas does not exceed 2mrem in any one hour. Users will control and maintain constant surveillance over the gauges that are not in storage and secure gauges from unauthorized use and removal.

Operating and Emergency Procedures

- Transportation of Equipment

- All possible means shall be provided to ensure that the equipment is fully secured in the transporting vehicle; and, the equipment is away from the passenger compartment. When transporting in an enclosed vehicle, the vehicle will be locked when unattended.
- The gauge will be transported in the supplied case. The US Department of Transportation requires that the gauge be transported in a properly labeled carrying case.

-Utilization Procedures

- Always wear assigned personnel dosimetry devices when using or transporting the gauge.
- Never wear another person’s dosimeter.
- Never store a dosimeter near the gauge or other radiation source.

JAMES D. MORRISSEY, INC.

- Before removing the gauge from its place of storage, ensure that in gauges with movable source rods, the rod is locked in the shielded position, and the transport case is locked.
- Sign out the gauge in the logbook, stating the date(s) of use, name(s) of authorized user(s) who will be responsible for the gauge, and the temporary job site(s) where the gauge will be used.
- Block and brace the gauge to prevent movement during transport and lock the gauge in or to the vehicle. Follow all DOT requirements when transporting the gauge.
- Use the gauge according to the manufacturer's instructions and recommendations.
- Do not touch the end of the source rod with your fingers, hands, or any part of your body or place any part of the body in the radiation field of the unshielded source.
- Unless absolutely necessary, do not look under the gauge when the source rod is being lowered into the ground. If you must look under the gauge to align the source rod with hole, keep all body parts as far from the unshielded source as possible to minimize radiation exposure.
- After completing each measurement in which the source is unshielded, immediately return the source to the shielded position.
- Always maintain constant surveillance and immediate control over the gauge when it is not in storage or secured in the transport vehicle. Never leave the gauge unattended. Protect the gauge and yourself from danger of moving heavy equipment.
- Always keep unauthorized persons away from the area where the gauge is being used.
- Perform routine cleaning and maintenance according to the manufacturer's instructions and recommendations.
- When the gauge is not in use at a temporary job site, place the gauge in a secured storage location.
- Prior to transporting the gauge, ensure that each gauge is in the fully shielded position. Ensure that the source rod is locked in the shielded position and that the gauge is placed into the case and lock the case.
- Return the gauge to its proper storage location at the end of the work shift.
- Log the gauge into the daily use log when it's returned to storage.

-Maintenance

- James D Morrissey, Inc. will implement and maintain procedures for routine maintenance (cleaning and lubrication) of gauges according to the manufacturer's recommendations and instructions.
- James D Morrissey, Inc. will send the gauges to the manufacturer to perform non-routine maintenance or repair operations that require removal of the source or source rod from the gauge. Block and brace the gauge to prevent movement during transport and lock the gauge in or to the vehicle.

JAMES D. MORRISSEY, INC.

-Emergency Procedures

The following procedures apply when the source fails to return to the shielded position (e.g., as a result of being damaged, source becomes stuck below the surface) or if any other emergency or unusual situation arises (e.g., the gauge is struck by a moving vehicle or in an accident involving a vehicle):

- Immediately secure the area and keep people at least 15 feet away from the gauge until the situation is assessed and radiation levels are known. However, perform first-aid for injured individuals and remove them from the area only when medically safe to do so.
- If any heavy equipment is involved, detain the equipment and operator until it is determined there is no contamination present.
- Gauge users and other potentially contaminated individuals should not leave the scene until emergency assistance arrives.
- Visually inspect the gauge to determine the position of the source rod (exposed or shielded), and the position of the source shutter (open or closed), and the extent of damage, if any, to the source housing and/or shielding.
- Notify the persons in the order listed below:

Job Site Superintendent of Foreman. They should then contact the RSO.

-Jim Furey- Radiation Safety Officer- 215-333-8000, (office) [REDACTED] (cell), [REDACTED]

-Ed Dowd- Yard Superintendent- 215-333-8000 (office), [REDACTED]

- Follow the directions provided by the person contacted above.
- RSO and Management must:
 - Arrange for a radiation survey to be conducted as soon as possible by a knowledgeable person using appropriate radiation detection instrumentation. This person could be a licensee employee or a consultant. The person must be competent in use of the survey meter.
 - Make necessary notification to local authorities as well as the NRC or Agreement State licensing agency as appropriate.
 - Reports to the NRC must be made within the reporting timeframes specified in regulations.

Audit Program

An audit of the radiation safety program content and implementation will be performed and documented annually. Records of audits will be maintained for at least 3 years. Corrective actions will be taken promptly to prevent recurrence of deficiencies. James D Morrissey, Inc. will use the NRC audit form to document the audit(s).

Waste Management

James D Morrissey, Inc. will return the gauges to the manufacturer or other authorized licensee when use is discontinued.

**PERSONAL INFORMATION WAS REMOVED
BY NRC. NO COPY OF THIS INFORMATION
WAS RETAINED BY THE NRC.**

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

7/23/2007, and to inform you that the initial processing which includes an administrative review has been performed.

NEW LICENSE APPLICATION (03037520)
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** 140859.
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:
License Fee Management Branch, ARM
and
Regional Licensing Sections

: (FOR LFMS USE)
: INFORMATION FROM LTS
: -----
:
: Program Code: 03121
: Status Code: 3
: Fee Category: _____
: Exp. Date: 0
: Fee Comments: _____
: Decom Fin Assur Reqd: _
: ::::::::::::::::::::::::::::::::::::::

LICENSE FEE TRANSMITTAL

A. REGION I

1. APPLICATION ATTACHED
Applicant/Licensee: JAMES D. MORRISSEY, INC.
Received Date: 20070725
Docket No: 3037520
Control No.: 140859
License No.: 37-20205-02
Action Type: New License

2. FEE ATTACHED \$1,200.00
Amount:
Check No.: 3721

3. COMMENTS

Signed M. A. Perkins
Date 7/25/2007

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 _____