



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

December 23, 2008

Nuclear Testing Services, LLC
ATTN: Kenneth L. Pollock
Radiation Safety Officer
583 West Billinis Road #2
Salt Lake City, UT 84115

SUBJECT: LICENSE AMENDMENT

Please find enclosed Amendment No. 10 to NRC License No. 43-17936-01. **This license amendment authorizes a change in mailing address as requested by email dated October 2, 2008. In addition, License Condition 16 was modified to reflect the standard license condition for requiring the portable device to have a lock or outer locked container. The requirement for two independent physical controls is required by the regulations under 10 CFR 30.34(i) and is therefore not included as part of the license conditions. License Condition 18 was modified to reflect the specific non-routine maintenance activities discussed during our telephone call today, December 23, 2008. The request for these non-routine maintenance activities was submitted to this office on August 24, 2005, and was previously included as License Condition 22.B. It is our understanding that these non-routine maintenance activities, which are specifically for the removal of the source rod, cleaning of the portable gauge and using a survey meter, are performed for Nuclear Testing Services, LLC licensed devices only and you are not performing these services as a service provider in areas of NRC jurisdiction. We understand that you perform these activities as a service provider under your Utah Radioactive Materials License at your facility in Utah. I also included your facsimile dated August 22, 2005, which was the Appendix B checklist, in License Condition 22.**

Please note that Items 8.A. through 8.E. were modified to reflect a possession limit for cesium-137 and americium-241 to quantities below the International Atomic Energy Agency's Category 3 amounts of radioactive material, and as discussed during our telephone call today, December 23, 2008. Possession of radioactive material in quantities below the Category 3 thresholds indicates that the license can be made publicly available after issuance since it does not meet the Sensitive Unclassified Non-Safeguards Information criteria as described in NRC's Regulatory Issue Summary 2005-31, <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/>.

The regulations in 10 CFR 30.34, *Terms and conditions of licenses*, was revised to enhance the security requirements for portable gauges containing byproduct material. This revision became effective July 11, 2005. Revised 10 CFR 30.34 now requires that "each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee" (i.e., when not in use). Guidance on these security procedures is provided in the errata sheet for Appendix H of NUREG-1556, Volume 1, Revision 1 which may be located at: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v1/r1/>.

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14)(viii). You should review the enclosed document carefully and be sure that you understand all conditions. If there are questions, please contact me at (817) 276-6552.

NRC expects licensees to conduct their programs with meticulous attention to detail and a high standard of 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 radiation safety program according to the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate by NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspection and Investigations," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Notify NRC in writing of any change in mailing address.
3. Request and obtain a license amendment before you:
 - a. Change Radiation Safety Officers;
 - b. Order byproduct material in excess of the amount, radionuclide or form authorized on the license;
 - c. Add or change the areas or address(es) of use identified in the license application or on the license; or
 - d. Change the name or ownership of your organization.

In addition, please note that NRC Form 313 requires the applicant, by signature, to verify that the applicant understands that all statements contained in the application are true and correct to the best of the applicant's knowledge. The signatory for the application should be the licensee or certifying official rather than a consultant. Since the NRC also accepts a letter requesting amendment of an NRC license, the signatory for such a request should also be the licensee or certifying official rather than a consultant.

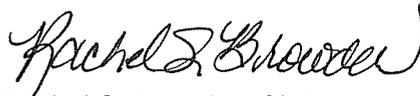
NRC will periodically inspect your radiation safety program. Failure to conduct your program according to NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC may result in enforcement action against you. This could include issuance of a notice of violation; imposition of a civil penalty; or an order suspending, modifying, or revoking your license as specified in the NRC Enforcement Policy. The NRC Enforcement Policy is available on the following internet address: <http://www.nrc.gov/reading-rm/doc-collections/enforcement/>.

NRC no longer publishes the NRC Rules and Regulations loose leaf supplements. However, an electronic version of the NRC's regulations is available on the NRC Web site at www.nrc.gov. Additional information regarding use of radioactive materials may be obtained on the NRC Web site at <http://www.nrc.gov/materials/miau/mat-toolkits.html>. This site also provides the link to the toolbox for updated information on the revised regulations for naturally-occurring and accelerator-produced radioactive materials (NARM).

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 NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Rachel S. Browder". The signature is written in a cursive style with a large initial "R".

Rachel S. Browder, CHP
Nuclear Materials Safety Branch B

Docket: 030-13675
License: 43-17936-01
Control: 471972

Enclosure: As stated

U.S. NUCLEAR REGULATORY COMMISSION

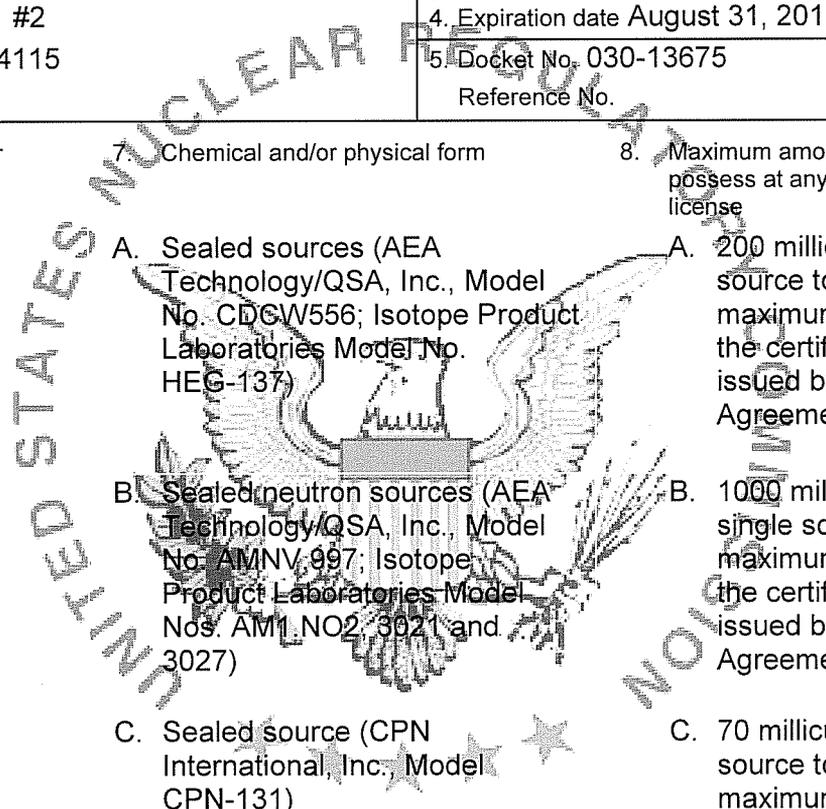
Amendment No. 10

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.

<p>Licensee</p> <p>1. Nuclear Testing Services, LLC</p> <p>2. 583 West Billinis Road #2 Salt Lake City, Utah 84115</p>	<p>In accordance with electronic mail dated October 2, 2008</p> <p>3. License number 43-17936-01 is amended in its entirety to read as follows:</p> <p>4. Expiration date August 31, 2015</p> <p>5. Docket No. 030-13675 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. Cesium-137</p> <p>D. Americium-241</p>	<p>7. Chemical and/or physical form</p> <p>A. Sealed sources (AEA Technology/QSA, Inc., Model No. CDCW556; Isotope Product Laboratories Model No. HEG-137)</p> <p>B. Sealed neutron sources (AEA Technology/QSA, Inc., Model No. AMNV 997; Isotope Product Laboratories Model Nos. AM1, NO2, 3021 and 3027)</p> <p>C. Sealed source (CPN International, Inc., Model CPN-131)</p> <p>D. Sealed neutron source (CPN International, Inc., Model CPN-131)</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. 200 millicuries total. No single source to exceed the maximum activity specified in the certificate of registration issued by NRC or an Agreement State.</p> <p>B. 1000 millicuries total. No single source to exceed the maximum activity specified in the certificate of registration issued by NRC or an Agreement State.</p> <p>C. 70 millicuries total. No single source to exceed the maximum activity specified in the certificate of registration issued by NRC or an Agreement State.</p> <p>D. 350 millicuries total. 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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**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number
43-17936-01

Docket or Reference Number
030-13675

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- E. Cesium-137
- E. Sealed source (AEA Technology/QSA, Inc., Model No. CDCW556; Isotope Product Laboratories Model No. HEG-137-8M)
- E. 70 millicuries total. No single source to exceed the maximum activity specified in the certificate of registration issued by NRC or an Agreement State.

9. Authorized use:

- A. and B. In Troxler Exectronics Laboratories, Inc., Model 3400 Series portable gauging devices for measuring physical properties of materials.
- C. and D. In CPN International, Inc., Model MC Series PORTAPROBE portable gauging devices for measuring physical properties of materials.
- E. In Troxler Exectronics Laboratories, Inc., Model 4640 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:

- A. Temporary job sites anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating 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. Licensed materials shall only be used by, or under the supervision and in the physical presence of individuals who have received the training described in the application dated March 19, 2005, and facsimiles dated April 22 and August 24, 2005.
- 12. The Radiation Safety Officer (RSO) for this license is Kenneth L. Pollock.
- 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 U.S. Nuclear Regulatory Commission 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 U.S. Nuclear Regulatory Commission 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.

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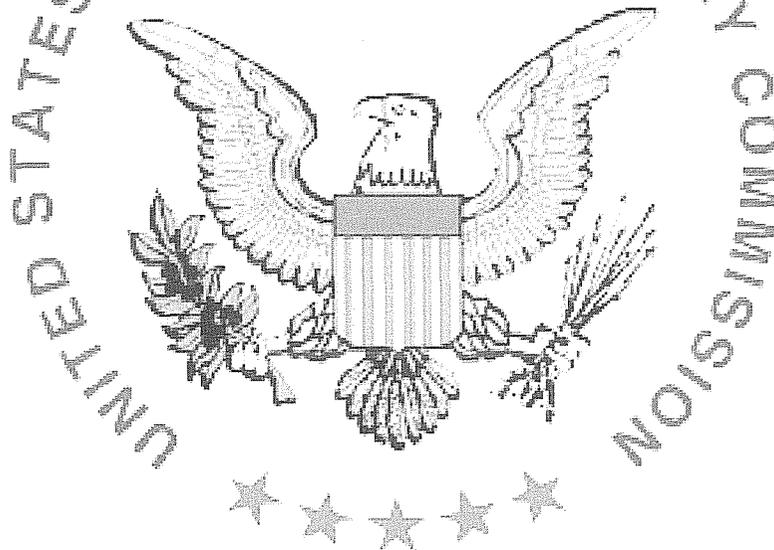
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- C. Sealed sources need not be tested if they are in storage and are not being used. However, when they are removed from storage for use or transferred to another person, and have not been tested within the required leak test interval, they shall 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. The report shall be filed within 5 days of the date the leak test result is known with the U.S. Nuclear Regulatory Commission, Region IV, 612 East Lamar Blvd., Suite 400, Arlington, Texas 76011-4125, ATTN: Director, Division of Nuclear Materials Safety. The report shall specify the source involved, the test results, and corrective action taken.
- E. Tests for leakage and/or contamination shall be performed by persons specifically licensed by the U.S. Nuclear Regulatory 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 test samples must be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.
- F. Records of leak tests results shall be kept in units of microcuries and shall be maintained for 3 years.
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 6 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.
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, storage or when not under the direct surveillance of an authorized user.
17. Except for maintaining labeling as required by 10 CFR Part 20 or 71, the licensee shall obtain authorization from U.S. Nuclear Regulatory Commission 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.
18. The licensee may detach the source rod from the gauge for the purposes of cleaning, maintenance, or repair of the gauge in accordance with procedures outlined in the application dated August 24, 2005. This activity may only be performed by Dannie K. Pollock, Kenneth L. Pollock, the device manufacturer or other persons specifically authorized by the Commission or an Agreement State to perform this specific maintenance activity.

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19. 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."
20. The licensee shall not use sealed sources or probes contain sealed sources at depths exceeding 3 feet below the surface.
21. 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 March 19, 2005 (ML051190752)
 - B. Facsimile dated August 22, 2005 (ML051190752)
 - C. Facsimile dated August 24, 2005 (ML052450382)



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date: December 23, 2008

By: _____

Rachel S. Browder
Rachel S. Browder, Health Physicist
Nuclear Materials Safety Branch B
Region IV
Arlington, Texas 76011-4125