

# M & W Soils Engineering, Inc.

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Soils Exploration  
Geotechnical Engineering  
Construction Inspection

*Br 3*

March 17, 2011

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

*LL 31436  
03038435  
03121*

RECEIVED  
REGION 1  
2011 MAR 21 PM 1:43

re: Application for Materials License

*(28-31436-01)*

To whom it may concern,

Enclosed please find an Application for Materials License, Form 313, and supporting documentation. We previously operated under a Reciprocity Agreement (Form 241), which allowed us to work in the State of Vermont. This Reciprocity permit was allowed to lapse, on the counsel of NRC employees, as it was becoming cumbersome for the staff of our firm and the NRC.

We submitted a permit fee in the amount of \$1,900 in January, our check was deposited by the NRC at that time. After speaking with Shirley Crutchfield of the NRC, we understand that the money we paid is being held in anticipation of receiving the enclosed Application. We would respectfully request that the \$1,400 fee for the Materials License be taken from our previously submitted funds, with the remainder of our funds either being issued as a credit for further fees or sent to us as a refund.

We appreciate any help with expediting the enclosed Application, as we can not work in Vermont until this process is completed. Please give me a call with any questions you may have, or for any more information that I can provide.

Sincerely,

  
Randall Rhoades  
Principal

*574700*  
NMSS/RGN1 MATERIALS-002

**NRC FORM 313**  
(3-2009)  
10 CFR 30, 32, 33,  
34, 35, 36, 39, and 40

**U.S. NUCLEAR REGULATORY COMMISSION**

**APPROVED BY OMB: NO. 3150-0120**

**EXPIRES: 3/31/2012**

**APPLICATION FOR MATERIALS LICENSE**

Estimated burden per response to comply with this mandatory collection request: 4.3 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.resource@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.

**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:**

OFFICE OF FEDERAL & STATE MATERIALS AND ENVIRONMENTAL MANAGEMENT PROGRAMS  
DIVISION OF MATERIALS SAFETY AND STATE AGREEMENTS  
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, 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, MISSISSIPPI, 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  
612 E. LAMAR BOULEVARD, SUITE 400  
ARLINGTON, TX 76011-4125

(28-31436-01)

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**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.**

<p>1. THIS IS AN APPLICATION FOR (Check appropriate item)</p> <p><input checked="" type="checkbox"/> A. NEW LICENSE</p> <p><input type="checkbox"/> B. AMENDMENT TO LICENSE NUMBER</p> <p><input type="checkbox"/> C. RENEWAL OF LICENSE NUMBER</p>	<p>2. NAME AND MAILING ADDRESS OF APPLICANT (Include ZIP code)</p> <p>M &amp; W Soils Engineering, Inc. P O Box 1466 Charlestown, NH 03603</p>
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<p>3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED</p> <p>Storage Site: 265 Main Street, Charlestown, NH (Corner of Main &amp; Elm Streets)</p> <p>Sites Of Use: Temporary job sites anywhere in the United States where NRC maintains jurisdiction</p>	<p>4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION</p> <p>Warren L. Stevens</p> <p>TELEPHONE NUMBER</p> <p>(603)-826-5873</p>
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<p>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.</p>	
<p>5. RADIOACTIVE MATERIAL</p> <p>a. Element and mass number, b. chemical and/or physical form, and c. maximum amount which will be possessed at any one time.</p>	<p>6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED.</p>
<p>7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING EXPERIENCE.</p>	<p>8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.</p>
<p>9. FACILITIES AND EQUIPMENT.</p>	<p>10. RADIATION SAFETY PROGRAM.</p>
<p>11. WASTE MANAGEMENT.</p>	<p>12. LICENSE FEES (See 10 CFR 170 and Section 170.31) See attached letter</p> <p>FEE CATEGORY 03121, 3P AMOUNT ENCLOSED \$1,400.00 from credit</p>

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.

<p>CERTIFYING OFFICER - TYPED/PRINTED NAME AND TITLE</p> <p>Randall Rhoades, Co-Owner</p>	<p>SIGNATURE</p> 	<p>DATE</p> <p>3/17/11</p>
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**FOR NRC USE ONLY**

TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
			\$		
APPROVED BY				DATE	574700

**ITEMS 5 AND 6: MATERIALS TO BE POSSESSED AND PROPOSED USES**

Yes	No	Radioisotope	Manufacturer or Distributor Model No.	Quantity	Use As Listed on SSD Certificate	Specify Other Uses Not Listed on SSD Certificate
XX		Cesium-137	Sealed source manufacturer or distributor and model number: Troxler Electronics, Drawing No. A-102112  Device manufacturer or distributor and model number: Troxler Electronics, Model Numbers 3411 and 3440	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes XXX  Specific description of the gauge use:  Gauges to be used only for the purposes described in their respective SSD Certificates.	xx Not applicable
XX		Americium-241	Sealed source manufacturer or distributor and model number: Troxler Electronics, Drawing No. A-102451  Device manufacturer or Distributor and model Number: Troxler Electronics, Model Numbers 3411 and 3440	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes XXX  Specific description of the gauge use:  Gauges to be used only for the purposes described in their respective SSD Certificates	xx Not applicable

Troxler Model Number

SSD Registration Number

3440

NC-646-D-130-S

3411

NC-646-D-830-S

M & W Soils Engineering, Inc.

APPLICATION FOR MATERIALS LICENSE, NRC FORM 313

ITEMS 7 THROUGH 11: TRAINING AND EXPERIENCE, FACILITIES AND EQUIPMENT, RADIATION SAFETY PROGRAM, AND WASTE DISPOSAL

7. INDIVIDUALS RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING & EXPERIENCE – RADIATION SAFETY OFFICER

Response: The designated Radiation Safety Officer (RSO) for M & W Soils Engineering, Inc., shall be Warren L. Stevens. Mr. Stevens has completed the required training from Troxler Electronics Laboratories (Radiological Safety and Gauge Operation Training, 1979). He has worked continuously with our gauges since that time, and was trained in the roles and responsibilities of a RSO by our previous RSO, who left the company in 1997. As a majority owner of the company, Mr. Stevens has the required independent authority to fully perform the duties of the RSO.

The individual who takes over the role of RSO in the future will have successfully completed one of the training courses described in Criteria in the section entitled “Individual(s) Responsible for Radiation Safety Program and Their Training and Experience-Radiation Safety Officer” in NUREG-1556, Vol. 1, Rev. 1, dated November 2001.

8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS

Response: All gauge users shall be employees of M & W Soils Engineering, Inc. To be considered an authorized user, and being allowed to use licensed materials, an employee must obtain adequate training, first by completing a Training Course described in Criteria in the section entitled “Training for Individuals Working In or Frequenting Restricted Areas” in NUREG-1556, Vol. 1, Rev. 1, dated November 2001., and then by successfully completing at least 3 days (or partial days depending on temporary job site schedules) of supervised field training by experienced senior staff. Senior staff shall be authorized users who

have a minimum of 100 hours of field experience. Records of such training shall be maintained for at least 3 years following the termination or voluntary leave of an authorized user.

## 9. FACILITIES AND EQUIPMENT

Voluntary Response: Portable nuclear gauges are stored in a locked cabinet inside a secured building when not in use at a temporary work site. Storage and inventory procedures are detailed in our New Hampshire Radioactive Materials License. The public and non-authorized employees of our company are in no danger of radiation exposure due to our operations or storage procedures.

## 10. RADIATION SAFETY PROGRAM

A) Survey Instruments: We will either possess and use, or have access to and use, a radiation meter that meets the Criteria in the section entitled "Radiation Safety Program-Instruments" in NUREG-1556, Vol. 1, Rev. 1, dated November 2001.

In the event of an incident on a temporary worksite, the following sources may be contacted for radiation survey meters and/or decontamination.

NH Projects; Keene Fire Department, call 911 or 603-357-9861  
NH Homeland Security and Emergency Management 800-852-3792

VT Projects; Springfield Fire Department, call 911 or 802-885-4545  
VT Emergency Management Hazmat Hotline 800-641-5005

B) Material Receipt and Accountability: Physical inventories will be conducted at intervals not to exceed 6 months, to account for all sealed sources and devices received and possessed under the license. Records of such inventory shall be maintained by the RSO. All portable gauges are to be secured at our facility at the end of each business day, and authorized user who finds a gauge missing shall notify the RSO immediately.

C) Occupational Dosimetry: We will provide dosimetry processed and evaluated by an NVLAP-approved processor that is exchanged at a frequency recommended by the processor. All authorized users shall be provided with dosimetry monitoring, and will be provided with the results of this monitoring on a quarterly basis.

D) Operating and Emergency Procedures: We will implement and maintain the operating and emergency procedures in Appendix H of NUREG-1556, Vol. 1, Rev. 1, dated November 2001, and provide copies of these procedures to all gauge users. Copies shall also be kept in each transport vehicle, and at our facility.

E) Leak Test: Leak tests will be performed at intervals approved by the NRC or an Agreement State and specified in the Sealed Source and Device Registration Sheet. Leak tests will be performed by an organization authorized by NRC or an Agreement State to provide leak testing services to other licensees or using a leak test kit supplied by an organization authorized by NRC or an Agreement State to provide leak test kits to other licensees and according to the kit supplier's instructions.

F) Maintenance:

*Routine Cleaning & Lubrication:* We will implement and maintain procedures for routine maintenance of our gauges according to each manufacturer's recommendations and instructions.

*Non-Routine Maintenance:* We will send the gauge to the manufacturer or other person authorized by NRC or an Agreement State to perform non-routine maintenance or repair operations that require the removal of the source or source rod from the gauge.

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

3/17/2011, and to inform you that the initial processing which includes an administrative review has been performed.

NEW LICENSE APPLICATION (03038435)  
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

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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** 574700.  
When calling to inquire about this action, please refer to this control number.  
You may call us on (610) 337-5398, or 337-5260.