NRC FORM 313 U.S. NUCLEAR REGULATORY COMMISSION
(3-2009)
10 CFR 30, 32, 33,
34, 35, 36, 39, and 40

APPLICATION FOR MATERIALS LICENSE

Br. 3

APPROVED BY OMB: NO. 3150-0120 EXPIRES: 3/31/2012

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

X
03012140

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

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
- [x] C. RENEWAL OF LICENSE NUMBER **47-17070-01**

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

West Virginia Paving Co.
P. O. Box 544
Dunbar , WV 25064

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

Temporary job sites anywhere in the United States where the N R C maintains jurisdiction , also at locations listed on our current license .

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

Dallas Boggess

TELEPHONE NUMBER

(304) 720-6402

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. maiximum amount which will be possessed at any one time.

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

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

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

9. FACILITIES AND EQUIPMENT.

10. RADIATION SAFETY PROGRAM.

11. WASTE MANAGEMENT.

12. LICENSE FEES *(See 10 CFR 170 and Section 170.31)*
FEE CATEGORY **3 P - O** AMOUNT ENCLOSED $ **0.00**

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 CONTANED 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	SIGNATURE	DATE
Dallas Boggess RSO	Dallas Boggess	**05/10/2011**

FOR NRC USE ONLY

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

NRC FORM 313 (3-2009) PRINTED ON RECYCLED PAPER

575189
NMSS/RGN1 MATERIALS-002

West Virginia Paving Co.
P.O. Box 544
Dunbar, W V 25064

May 17, 2011

Item 3

Units that are not being utilized at temporary job sites may be stored in our secure structure at 2950 Charles Ave. – Dunbar,W.Va.

Item 5

A. Cesium 137	A. Sealed Sources (Troxler Dwg. No. A – 102112)	A . 171 millicuries total and no single source to exceed the maximum activity specified in the certificate of registration issued by the U. S. Nuclear regulatory Commission or an Agreement State
B. Americium 241	B. Sealed Sources (Troxler Dwg. Nos. A – 102451 , C – 106580 A – 100337 , A – 100608)	B . 1452 millicuries total and no single source to exceed the maximum activity specified in the certificate of registration issued by the U. S. Nuclear regulatory Commission or an Agreement State

Item 6

A & B For use in Troxler Model 3400 Series , 3241 C and 4640 portable guaging devicies to measure physical properties of materials.

Item 7

The Radiation Safety Officer for the activities authorized by this license is Dallas L.Boggess. Mr. Boggess has completed the device manfacturers training program for safe use of portable guaging devices .

Item 8

Licensed material shall be used by, or under the supervision and in the physical presence of Dallas L. Boggess , or individuals who have satisfactorily completed the device manufacturers training program for safe use of portable guaging devices have been trained in the licensees operating and emergency procedures. The licensee shall maintain records of persons designated as users. All users are required to complete the training program and pass the certification exam of West Virginia.

Item 10

See Radiation Safety Program

We are not requesting any changes to our license.

Hope the Stock Market rises ,

Dallas Boggess
R S O

WEST VIRGINIA PAVING, INC.
RADIATION SAFETY PROGRAM

Radiation Safety Officer: Dallas Boggess

The following is the radiation safety program, which shall be followed by all users of the nuclear density gauges.

A. Handling Procedures:

1. No one shall be allowed to operate or attempt to operate the gauge unless the radiation safety officer approves him/her to do so.
2. All gauges shall be in a stored position when not in use as recommended by the manufacturer so not to expose the source.
3. Film badges shall be worn when transporting and using gauges.
4. No person shall expose themselves unnecessarily to a bare source or higher exposures unless the situation justifies such action.
5. All unauthorized persons shall be kept out of the operating area. The operator shall warn the public to maintain a distance of 15-20 feet from the device.
6. The gauge or gauges shall be in a secured area when not in use. While being transported, in a locked vehicle.
7. All operators shall be aware of operating procedures and this safety program. Each operator will acknowledge his/her understanding of this program and applicable rules and regulations by signing two copies of this program. One copy will remain with the instrument, the other on file at the central laboratory. The operator shall be free to report any practice, which he/she feels unsafe.
8. Leak tests shall be performed upon receipt of the instrument and a minimum of every six months when the gauge is in use. If the gauge is to be stored it shall be tested prior to and after storage. The operator may perform such tests more frequently if he/she deems it necessary.
9. If at any time any doubts or questions arise from the use of the instrument contact the radiation safety officer.

B. Security:

1. Whenever the gauge is not in use the source rod shall be locked and the instrument placed in a secure area and locked. When transporting, the gauge shall also be locked and in a box.

C. Personnel Monitoring:

1. No authorized person shall use or transport the instrument without wearing his/her film badge.
2. Each person shall receive instruction on the use and care of the film badges.
3. Film badges will be checked quarterly.
4. The film badge supplier will be: Troxler Electronics Laboratories If any person has questions about his/her film badge the radiation safety officer shall be contacted.
5. Film badge reports: SEE SECTION D
6. Film badges will not be stored near gauges, televisions, computers, heat, and strong light or in a vehicle.

D. Reports and Records:

1. After receipt of the gauge the radiation safety officer shall conduct a physical inventory every three months and file discrepancies.
2. Leak tests shall be performed every six months. A label should be attached to the gauge showing the date of the last leak test. This date should correspond with the leak test date filed at the central laboratory. If this date exceeds 6 months at the date of use or the date differs from the leak test report date or if the label is missing, the gauge should not be used and the radiation safety officer notified immediately.
3. Reports from individual film badges shall be maintained for inspection. Upon receipt of the film badge report for an individual, one copy should be given to the individual and the other copy may be signed by the individual, verifying he/she is aware of its contents. If the individual is not able to sign the report because of being at another location and the exposure represented by that film badge report is within NRC limitations and yearly total dosage is within safe limits the report will be presented and may be signed at a later date.
4. Whenever an individual terminates employment, his/her record of the total received dosage will be made available.

E. Incidents:

1. In the event of any theft or loss of a gauge the radiation safety officer shall be immediately notified who in turn will notify the appropriate licensing agency and state agency. Within the next 30 days a detailed report shall be provided outlining all attempts to recover the device, cause of loss and future measures taken to prevent recurrence.
2. At any time an operator exceeds the limits of exposure given in 10 CFR Part 20, the radiation officer shall report all details to licensing agency.

F. Handling and Emergency Procedures:

1. No person shall transport or use the nuclear gauge unless they are approved by the radiation safety officer.
2. Each operator must demonstrate their ability to correctly and safely use the nuclear gauge as determined by the radiation safety officer.
3. At the termination of each field use, the nuclear gauge will be stored in a secure area.
4. In the event of physical damage to the gauge:
    a) A 50-foot diameter exclusion area shall be maintained until it is assured no source damage has occurred. If a vehicle is involved, it shall be stopped and remain stopped until the extent of any damage can be determined. Detain any person(s) who may have come in contact with damaged gauge. Carefully examine gauge to determine if the source housing or case is damaged.
    b) Immediately contact the radiation safety officer:
        Dallas Boggess Office: 304-768-9733
        [redacted]
        Who will in turn notify the following:
        NRC regional office
        State health department
        Local authorities
        Troxler Electronic Laboratories
    c) The radiation safety officer has at his disposal a survey meter (Victoreen Model 492). This meter shall be utilized to determine the extent of damage to the source by beginning at the outside of the 50 foot circle and working around and in towards the site of the source and obtaining readings. If no unusually high readings are found the gauge will be visually inspected. If visual damage is found remove the gauge by using a long handled shovel and a tub with wet sand. The gauge should be covered with sand. Troxler

Electronics should be notified to transport the gauge to the factory after a leak test is performed. The site shall be surveyed after the removal of the instrument.

G. Transporting by Private Motor Vehicle:

1. The instrument, in its container may be transported by motor vehicle under "Yellow II" label as required by 49 CFR 177.823.
2. The instrument will be in a locked position and in a suitable container and may not be stored less than 30 centimeters from passengers as per 49 CFR 174.586. It shall not be stored for more than 8 hours at less than 1 meter from undeveloped film.

Appendix H

Operating, Emergency, and Security Procedures

Operating Procedures

- If personnel dosimetry is provided:
  - — Always wear your assigned National Voluntary Laboratory Accrediation Program (NVAP) approved thermoluminescent dosimeter (TLD), optical stimulated dosimeter (OSL), or film badge when using the portable gauge;
  - — Never wear another person's TLD, OSL, or film badge;
  - — Never store your TLD, OSL, or film badge near the portable gauge.
- Before removing the portable gauge from its place of storage, ensure that, where applicable, each portable gauge sealed source is in the fully shielded position and that in portable gauges with a movable rod containing a sealed source, the source rod is locked (e.g., keyed lock, padlock, mechanical control) in the shielded position. Place the portable gauge in the transport case and lock the case.
- Use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal whenever the portable gauges are not under the licensee's control and constant surveillance (i.e., in storage). Guidance regarding this requirement is discussed below in the "Security Procedures" section of this Appendix.
- Sign out the portable gauge in a log book (that remains at the storage location) including the date(s) of use, name(s) of the authorized users who will be responsible for the portable gauge, and the temporary job site(s) where the portable gauge will be used.
- Block and brace the portable gauge to prevent movement during transport and lock the portable gauge in or to the vehicle. Follow all applicable Department of Transportation (DOT) requirements when transporting the portable gauge.
- Use the portable gauge according to the manufacturer's instructions and recommendations.
- Do not touch the unshielded source rod with your fingers, hands, or any part of your body.
- Do not place hands, fingers, feet, or other body parts in the radiation field from an unshielded source.
- Unless absolutely necessary, do not look under the portable gauge when the source rod is being lowered into the ground. If you must look under the portable gauge to align the source rod with the hole, follow the manufacturer's procedures 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 of the portable gauge when it is not in storage. At job sites, do not walk away from the portable gauge when it is left on the ground. Take action necessary to protect the portable gauge and yourself from danger of moving heavy equipment.
- When the portable gauge is not in use at a temporary job site, place the portable gauge in a secured storage location with two independent physical controls. Examples of two independent physical controls are: (1) securing the portable gauge in a locked storage facility located in a separate secured area in a warehouse; (2) securing the portable gauge inside a locked van and secured to the vehicle with a steel cable; (3) or storing the portable gauge inside a locked, nonremovable box and further securing the box with a steel cable or chain. If chains or cables are used as a method of providing security, one of the two chains or cables used, should be substantially more robust and more difficult to cut than the other. Simply having two chains or cables with locks would not satisfy the security rule unless each chain and lock combination were physically robust enough to provide both a deterrence and a reasonable delay mechanism.
- Always keep unauthorized persons away from the portable gauge.
- Perform routine cleaning and maintenance according to the manufacturer's instructions and recommendations.
- Before transporting the portable gauge, ensure that, where applicable, each portable gauge source is in the fully shielded position. Ensure that in portable gauges with a movable source rod, the source rod is locked in the shielded position (e.g., keyed lock, padlock, mechanical control). Place the portable gauge in the transport case and lock the case. Block and brace the case to prevent movement during transportation. Lock the case in or to the vehicle, preferably in a closed compartment.
- Return the portable gauge to its proper locked storage location at the end of the work shift.
- Log the portable gauge into the daily use log when it is returned to storage.
- If portable gauges are used for measurements with the unshielded source extended more than 3 feet beneath the surface, use piping, tubing, or other casing material to line the hole from the lowest depth to 12 inches above the surface. If the piping, tubing, or other casing material cannot extend 12 inches above the surface, cap the hole liner or take other steps to ensure that the hole is free of debris (and it is unlikely that debris will re-enter the cased hole) so that the unshielded source can move freely (e.g., use a dummy probe to verify that the hole is free of obstructions).
- After making changes affecting the portable gauge storage area (e.g., changing the location of portable gauges within the storage area, removing shielding, adding portable gauges, changing the occupancy of adjacent areas, moving the storage area to a new location), reevaluate compliance with public dose limits and ensure proper security of portable gauges.

Emergency Procedures

If 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 portable gauge is struck by a moving vehicle, is dropped, is in a vehicle involved in an accident):

- Immediately secure the area and keep people at least 15 feet away from the portable gauge until the situation is assessed and radiation levels are known. However, perform first aid for any 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.
- Portable gauge users and other potentially contaminated individuals should not leave the scene until emergency assistance arrives.
- Notify the following persons, in the order listed below, of the situation:

NAME [1]	WORK PHONE NUMBER [1]	HOME PHONE NUMBER [1]
		Cellular
Dallas Boggess	720-6402	[redacted]
Jack Whitlow	720-6421	
John Boggess	720-6403	

Follow the directions provided by the person contacted above.

RSO and Licensee Management

- 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 using a survey meter located at the job site or a consultant. To accurately assess the radiation danger or potential contamination, it is essential that the person performing the survey be competent in the use of the survey meter.
- If portable gauges are used for measurements with the unshielded source extended more than 3 feet below the surface, contact persons listed on the emergency procedures need to know the steps to be followed to retrieve a stuck source and to convey those steps to the staff on site.

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[1] Fill in with (and update, as needed) the names and telephone numbers of appropriate personnel (e.g., the RSO or other knowledgeable licensee staff, licensee's consultant, portable gauge manufacturer) to be contacted in the event of an emergency.

- Make necessary and timely notifications to local authorities as well as to NRC as required. (Even if it is not required, you may report *any* incident to NRC by calling NRC's Emergency Operations Center at (301) 816-5100, which is staffed 24 hours a day and accepts collect calls.) NRC notification is required when portable gauges containing licensed material are lost or stolen, when portable gauges are damaged or involved in incidents that result in doses in excess of 10 CFR Part 20.2203 limits, and when it becomes apparent that attempts to recover a sealed source stuck below the surface will be unsuccessful.
- Reports to NRC must be made within the reporting time frames specified by the regulations.
- Reporting requirements to NRC are found in 10 CFR Parts 20.2201-2203 and 10 CFR Part 30.50.

Security Procedures

NRC regulations require a portable gauge licensee to use 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 by the licensee.

Note: The NRC staff interprets "control and maintain constant surveillance" of portable gauges to mean being immediately present or remaining in close proximity to the portable gauge so as to be able to prevent unauthorized removal of the portable gauge.

The objective of the security guidance is to reduce the opportunity for unauthorized removal and/or theft by providing a delay and deterrent mechanism. By following this guidance, it will become more difficult and time-consuming to defeat security measures.

The following security requirements apply to portable gauge licensees regardless of the location, situation, and activities involving the portable gauge. **The security requirements apply to: (1) storage on vehicles; (2) storage at temporary facilities (e.g., residence, hotel, job site trailer); and (3) storage at permanent facilities.** At all times, licensees are required to either maintain control and constant surveillance of the portable gauge when in use and, at a minimum, use two independent physical controls to secure the portable gauge from unauthorized removal while in storage. The physical controls used must be designed and constructed of materials suitable for securing the portable gauge from unauthorized removal, and both physical controls must be defeated in order for the portable gauge to be removed. The construction and design of the physical controls used must be such that they will deter theft by requiring a more determined effort to remove the portable gauge. The security procedures used must ensure that the two physical barriers chosen clearly increase the deterrence value over that of a single barrier and the two physical barriers would make unauthorized removal of the portable gauge more difficult.

Using two chains is not the preferred method. To provide adequate security licensees are encouraged to use other combinations. The security rule permits the usage of two chains under certain circumstances in order to allow licensees flexibility; however, having two chains with locks would not satisfy the NRC's requirement unless **each** chain and lock combination used is physically robust enough to provide **both** a deterrence, and a reasonable delay mechanism. When two chains or cables are used, the second chain or cable should be substantially more robust and more difficult to cut than the first chain or cable.

If possible, the licensee should consider storing their portable gauges inside a locked facility or other non-portable structure overnight, instead of storage in a vehicle.

As long as the licensee maintains constant control and surveillance while transporting the portable gauges, the licensee need only to comply with the DOT requirements for transportation (e.g., placarding, labeling, shipping papers, blocking and bracing). However, if the licensee leaves the vehicle and portable gauge unattended (e.g., while visiting a gas station, restaurant, store), the licensee needs to ensure that the portable gauge is secured by two independent controls in order to comply with the requirements of 10 CFR Part 30.34(i)

While transporting a portable gauge, a licensee should not modify the transportation case if it is being used as the Type A container for transporting the device. This includes, but is not limited to, drilling holes to mount the case to the vehicle or to mount brackets or other devices used for securing the case to the vehicle. In order to maintain its approval as a Type A shipping container, the modified package must be re-evaluated by any of the methods described in 49 CFR Part 178.350 or 173.461(a). The re-evaluation must be documented and maintained on file in accordance with DOT regulations.

Physical controls used may include, but are not limited to, a metal chain with a lock, a steel cable with a lock, a secured enclosure, a locked tool box, a locked camper, a locked trailer, a locked trunk of a car, inside a locked vehicle, a locked shelter, a secured fenced-in area, a locked garage, a locked non-portable cabinet, a locked room, or a secured building. To assist licensees, some common scenarios are illustrated and examples of two independent physical controls are provided below.

Securing a Portable Gauge at a Licensed Facility

Long term storage of a portable gauge is usually at a permanent facility listed in the license or license application. Routine storage of a portable gauge in a vehicle or at temporary or permanent residential quarters is usually reviewed and may be authorized by NRC or the applicable Agreement State during the licensing process. In accordance with NRC security regulations, when a portable gauge is stored at a licensed facility, the licensee would be specifically required to use a minimum of two independent physical

controls to secure the gauge.

Examples of two independent physical controls used by to secure a portable gauge when stored at a licensed facility are –

1. The portable gauge or transportation case containing the portable gauge is stored inside a locked storage shed within a secured outdoor area, such as a fenced parking area with a locked gate;

2. The portable gauge or transportation case containing the portable gauge is stored in a room with a locked door within a secured building for which the licensee controls access by lock and key or by a security guard;

3. The portable gauge or transportation case containing the portable gauge is stored inside a locked, non-portable cabinet inside a room with a locked door, if the building is not secured;

4. The portable gauge or transportation case containing the portable gauge is stored in a separate secured area inside a secured mini-warehouse or storage facility; or

5. The portable gauge or transportation case containing the portable gauge is physically secured to the inside structure of a secured mini-warehouse or storage facility.

Securing a Portable Gauge in a Vehicle

> Regulations in 10 CFR Part 71 requires that licensees who transport licensed material, or who may offer such material to a carrier for transport, must comply with the applicable requirements of the United States Department of Transportation (DOT) that are found in 49 CFR Parts 170 through 189.

Licensees commonly use a chain and a padlock to secure a portable gauge in its transportation case to the open bed of a pickup truck, while using the vehicle for storage. Because the transportation case is portable, a theft could occur if the chain is cut and the transportation case with the portable gauge is taken. If a licensee simply loops the chain through the handles of the transportation case, a thief could open the transportation case and take the portable gauge without removing the chain or the case. Similarly, because the transportation case is also portable, it must be protected by two independent physical controls if the portable gauge is inside. A lock on the transportation case, or a lock on the portable gauge source rod handle, is not sufficient because both the case and the gauge are portable.

A vehicle may be used for storage, however, it is recommended by NRC and DOT that this practice only be used for short periods of time or when a portable gauge is in

transit. A portable gauge should only be kept in a vehicle overnight if it is not practicable to provide temporary storage in a permanent structure. When a portable gauge is being stored in a vehicle, the licensee is specifically required to use a minimum of two independent physical controls to secure the portable gauge.

Examples of two such independent physical controls approved by NRC to secure portable gauges in this situation are --

1. The locked transportation case containing the portable gauge is physically secured to a vehicle with brackets, and a chain or steel cable (attached to the vehicle) is wrapped around the transportation case such that the case can not be opened unless the chain or cable is removed. In this example, the locked transportation case would count as one control because the brackets would prevent easy removal of the case. The chain or cable looped only through the transportation case handle is not acceptable;

2. The portable gauge or transportation case containing the portable gauge is stored in a box physically attached to a vehicle, and the box is secured with (1) two independent locks; (2) two separate chains or steel cables attached independently to the vehicle in such a manner that the box cannot be opened without the removal of the chains or cables; or (3) one lock and one chain or steel cable is attached to the vehicle in such a manner that the box cannot be opened without the removal of the chain or cable; or

3. The portable gauge or transportation case containing the portable gauge is stored in a locked trunk, camper shell, van, or other similar enclosure and is physically secured to the vehicle by a chain or steel cable in such a manner that one would not be able to open the case or remove the portable gauge without removal of the chain or cable.

Securing a Portable Gauge at a Temporary Jobsite or at Locations Other Than a Licensed Facility

When a job conducted requires storage of a portable gauge at a temporary jobsite or at a location other than a licensed facility, the licensee should use a permanent structure for storage, if practicable to do so. When storing a portable gauge in temporary or permanent residential quarters, the licensee should limit access by storing the gauge in a separate room away from residents and other members of the public. The licensee must also meet the radiation exposure limits specified in 10 CFR Part 20. When a portable gauge is stored at a temporary jobsite or at a location other than an authorized facility, the licensee is required to use a minimum of two independent physical controls to secure the portable gauge.

Examples of two independent physical controls to secure portable gauges at these locations are --

1. At a temporary job site, the portable gauge or transportation case containing the portable gauge is stored inside a locked building or in a locked non-portable structure (e.g., construction trailer, sea container, etc.), and is physically secured by a chain or steel cable to a non-portable structure in such a manner that an individual would not be able to open the transportation case or remove the portable gauge without removing the chain or cable. A lock on the transportation case or a lock on the portable gauge source rod handle would not be sufficient because the case and the portable gauge are portable;

2. The portable gauge or transportation case containing the portable gauge is stored inside a locked room within temporary or permanent residential quarters, and is physically secured by a chain or steel cable to a permanent or non-portable structure (e.g., large metal drain pipe, support column, etc.) such that an individual would not be able to open the transportation case or remove the portable gauge without removing the chain or cable;

3. The portable gauge or transportation case containing the portable gauge is stored in a locked garage, and is within a locked vehicle or is physically secured by a chain or steel cable to the vehicle in such a manner that an individual would not be able to open the transportation case or remove the portable gauge without removing the chain or cable; or

4. The portable gauge or transportation case containing the portable gauge is stored in a locked garage, and is within a locked enclosure or is physically secured by a chain or steel cable to a permanent or non-portable structure in such a manner that an individual would not be able to open the transportation case or remove the portable gauge without removing the chain or cable.

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

5/10/11, and to inform you that the initial processing which includes an administrative review has been performed.

Renewal (47-17070-01)

[X] 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** 575189.
When calling to inquire about this action, please refer to this control number.
You may call us on (610) 337-5398, or 337-5260.

NRC FORM 532 (RI)
(6-96)

Sincerely,
Licensing Assistance Team Leader