

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:

IF YOU ARE LOCATED IN:

OFFICE OF FEDERAL & STATE MATERIALS AND
ENVIRONMENTAL MANAGEMENT PROGRAMS
DIVISION OF MATERIALS SAFETY AND STATE AGREEMENTS
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0601

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
HISLE, IL 60532-4352

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:

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:

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

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

☒ C. RENEWAL OF LICENSE NUMBER 49-27538-01

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

Evans Construction Company
P.O. Box 4309
Jackson, Wyoming 83001

RECEIVED

MAY 27 2011

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

Evans Construction Company

7255 South Highway 89

Jackson, Wyoming 83001

For Storage and transport to jobsites in Wyoming

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

Kirk Speckhals

TELEPHONE NUMBER

(307) 733-3029

DNMS

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

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 n/a

AMOUNT
ENCLOSED \$ 0.0013. 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, 1949 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

Kirk Speckhals

Kirk Speckhals 05/27/2011

FOR NRC USE ONLY

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

APPROVED BY

DATE

5 25385

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
X		Cesium-137	Sealed source manufacturer or distributor and model number: <u>Troxler 3440</u> Device manufacturer or distributor and model number: <u>Troxler 3440</u>	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input checked="" type="checkbox"/> Specific description of the gauge use: <u>Measure physical properties of Materials</u>	<input checked="" type="checkbox"/> Not applicable <input type="checkbox"/> Uses are: (Submit safety analysis supporting safe use)
X		Americium-241	Sealed source manufacturer or distributor and model number: <u>Troxler 3440</u> Device manufacturer or distributor and model number: <u>Troxler 3440</u>	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input checked="" type="checkbox"/> Specific description of the gauge use: <u>Measure physical properties of Materials</u>	<input checked="" type="checkbox"/> Not applicable <input type="checkbox"/> Uses are: (Submit safety analysis supporting safe use)

APPENDIX B

Yes	No	Radioisotope	Manufacturer or Distributor Model No.	Quantity	Use As Listed on SSD Certificate	Specify Other Uses Not Listed on SSD Certificate
	X	Californium-252	Sealed source manufacturer or distributor and model number: Device manufacturer or distributor and model number: 	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input type="checkbox"/> Specific description of the gauge use: 	<input type="checkbox"/> Not applicable <input type="checkbox"/> Uses are: (Submit safety analysis supporting safe use)
	X	Other Isotope (Specify):	Sealed source manufacturer or distributor and model number: Device manufacturer or distributor and model number: 	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input type="checkbox"/> Specific description of the gauge use: 	<input type="checkbox"/> Not applicable <input type="checkbox"/> Uses are: (Submit safety analysis supporting safe use)
X		<i>Financial Assurance Required and Evidence of Financial Assurance Provided</i>				

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

Item No. And Title	Suggested Response	Yes	Alternative Procedures Attached
7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING AND EXPERIENCE – RADIATION SAFETY OFFICER Name: <u>Kirk Speckhals</u>	Before obtaining licensed materials, the proposed RSO 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS	Before using licensed materials, authorized users will have successfully completed one of the 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. FACILITIES AND EQUIPMENT	No information needs to be submitted in response to this item; key issues are addressed under "Radiation Safety Program – Public Dose" and "Radiation Safety Program – Operating and Emergency Procedures."	Separate Item 9 Response Need Not Be Submitted With Application	
10. RADIATION SAFETY PROGRAM – AUDIT PROGRAM	The applicant is <i>not</i> required to, and should not, submit its audit program to NRC for review during the licensing phase.	Need Not Be Submitted With Application	
10. RADIATION SAFETY PROGRAM – TERMINATION OF ACTIVITIES	The applicant is <i>not</i> required to submit a response to the termination of activities section during the initial application. However, when the license expires when the licensee ceases operation, NRC Form 314 must be submitted.	Need Not Be Submitted With Application	
10. RADIATION SAFETY PROGRAM – SURVEY INSTRUMENTS	We will either possess and use, or have access to and use, a radiation survey meter that meets the Criteria in the section entitled "Radiation Safety Program – Instruments" in NUREG-1556, Vol. 1, Rev. 1, dated November 2001.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

APPENDIX B

Item No. And Title	Suggested Response	Yes	Alternative Procedures Attached
10. RADIATION SAFETY PROGRAM – 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. RADIATION SAFETY PROGRAM – OCCUPATIONAL DOSIMETRY	Either we will maintain, for inspection by NRC, documentation demonstrating that unmonitored individuals are not likely to receive a radiation dose in excess of 10 percent of the allowable limits in 10 CFR Part 20, or we will provide dosimetry processed and evaluated by an NVLAP-approved processor that is exchanged at a frequency recommended by the processor.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. RADIATION SAFETY PROGRAM – PUBLIC DOSE	The applicant is <i>not</i> required to submit a response to the public dose section during the licensing phase. This matter will be examined during an inspection.	Need Not Be Submitted With Application	
10. RADIATION SAFETY PROGRAM – 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 and at each job site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	OR Operating and emergency procedures will be developed, implemented, and maintained and will meet the criteria in the section entitled "Radiation Safety Program – Operating and Emergency Procedures" in NUREG-1556, Vol. 1, Rev. 1, dated November 2001.	<input type="checkbox"/>	
10. RADIATION SAFETY PROGRAM – LEAK TEST	Leak tests will be performed at intervals approved by 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 for 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/> The information in Appendix J supporting a request to perform leak testing and sample analysis is attached.

Item No. And Title	Suggested Response	Yes	Alternative Procedures Attached
10. RADIATION SAFETY PROGRAM – MAINTENANCE	<i>Routine Cleaning and Lubrication</i> We will implement and maintain procedures for routine maintenance of our gauges according to each manufacturer's recommendations and instructions.	X	<input type="checkbox"/>
	<i>Non-Routine Maintenance</i> 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.	X	<input type="checkbox"/> The information listed in Appendix G supporting a request to perform non-routine maintenance in-house is attached.
10. RADIATION SAFETY PROGRAM – TRANSPORTATION	The applicant is <i>not</i> required to submit its response to transportation during the licensing process. However, this issue will be reviewed during inspection.		Need Not Be Submitted With Application
11. WASTE MANAGEMENT – GAUGE DISPOSAL AND TRANSFER	The applicant is <i>not</i> required to submit a response to waste management during the licensing process. However, the licensee should develop, implement, and maintain gauge transfer and disposal procedures in its radiation protection program.		Need Not Be Submitted With Application

Roldan, Lizette

From: Roldan, Lizette
Sent: Friday, June 03, 2011 8:32 AM
To: 'kirk.speckhals@evansconstruction.com'
Cc: Hill, Carol
Subject: REQUEST FOR ADDITIONAL INFORMATION REGARDING LICENSE RENEWAL
Attachments: apph-errata.pdf

Dear Mr. Spekhals,

In order to continue our review on your recently submitted renewal request please address the following:

1. Please state the activity per source for your portable gauges and establish a maximum possession limit for your portable gauges. The maximum possession limit is the activity per source multiplied by the total amount of gauges you possess (or may possess in the future). For example, the activity per source for the type of gauge you are requesting is 8 millicuries of Cesium-137, if you have 4 gauges (or anticipate having 4 gauges) your maximum possession limit would be 32 millicuries (or 8 millicuries X 4 gauges = 32 millicuries). At a minimum, the possession limit should reflect the total gauges you currently possess including gauges that may be in storage. You may also consider increasing your limit by one or two gauges, in the event that you plan to purchase more gauges. By increasing the limit, it would be possible for you to purchase additional gauges without having to request an amendment.
2. Please confirm you will implement and maintain the operating, emergency and security procedures in Errata: Appendix H of NUREG 1556-Vol. 1 Rev. 1, Dated November 2001 (attached), and provide copies of these procedures to all gauge users and at each job site.

Please respond to this request by Friday, June 10, 2011. Please submit your response in a letter form with a signature. Also, you may attach the letter to an e-mail as a PDF or fax it to our offices. If you have any questions you may call me at 817-276-6596.

Thanks,

Lizette Roldán-Otero, Ph.D.

Health Physicist
Nuclear Regulatory Commission
612 E. Lamar Blvd., Suite 400
Arlington, TX 76011
Office: 817-276-6596
Fax: 817-860-8263



Phone (307) 733-3029 • Fax (307) 733-8313
P.O. Box 4309, 7255 So. Hwy 89, Jackson, Wyoming 83001

June 3, 2011

Lizette Roldan-Otero
Nuclear Regulatory Commission
612 East Lamar Blvd., Suite 400
Arlington, TX 76011

RE: Renewal Request

Lizette,

In response to your inquiry, we have one gauge at this time. The maximum activity for Cesium-137 is 9 millicuries. The maximum activity for Americium-241: Beryllium is 44 millicuries. Our maximum possession limit will be 18 millicuries for Cesium-137 and 88 millicuries for Americium-241: Beryllium.

I also confirm that we will implement and maintain the operating, emergency and security procedures in Errata: Appendix H of NUREG 1556-Vol. 1 Rev. 1, Dated November 2001, and provide copies of these procedures to all gauge users and at each job site.

If you have any questions, please feel free to call me at our office (733-3029).

Sincerely,

Kirk Speckhals
Quality Control Manager

Hill, Carol

From: Speckhals, Kirk (Evans Construction)
[kirk.speckhals@evansconstruction.com]
Sent: Friday, May 27, 2011 1:21 PM
To: Hill, Carol
Subject: RE:
Attachments: License Re-Application, 2011.pdf

Carol, Thanks for your assistance today.
Please let me know if you need any additional information. Our fax number is listed below.
Thanks!
Kirk

Kirk Speckhals
Quality Control Manager
Evans Construction Company
Tel. 307 733-3029
Cell. 307 413-3172
Fax. 307 733-8313
kspeckhals@evansconstruction.com.

 Please consider the environment before printing this email

From: Hill, Carol [<mailto:Carol.Hill@nrc.gov>]
Sent: Friday, May 27, 2011 9:49 AM
To: Speckhals, Kirk (Evans Construction)
Subject:

Per our telecon

Thanks!

Carol L. Hill, Licensing Assistant
Direct: 817-860-8140
Toll Free: 1-800-952-9677
Fax: 817-860-8188
E-mail: Carol.Hill@nrc.gov

US Nuclear Regulatory Commission
612 E. Lamar Blvd., Suite 400
Arlington, TX 76011-4125



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

June 20, 2011

Evans Construction Company
ATTN: Kirk Speckhals
Radiation Safety Officer
P.O. Box 4309
Jackson, Wyoming 83001

SUBJECT: DEEMED TIMELY LETTER

We acknowledge receipt of your application dated May 27, 2011, requesting your byproduct materials license be renewed. Your application is deemed timely filed and, accordingly, the license will not expire until final action has been taken by this office.

We have completed a preliminary review of your submittal. This review was cursory in nature and should not be considered a complete technical review. A complete technical review of the submitted information will be conducted within 180 days.

Any correspondence regarding this application should reference the identifying numbers specified below. If you have questions or require clarification on any of the information stated above, we encourage you to contact us at (817) 860-8103. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Colleen Murnahan".

Colleen Murnahan
Licensing Assistant
Nuclear Materials Safety Branch B

Docket: 030-34035
License: 49-27538-01
Control: 575325

BETWEEN:

Accounts Receivable/Payable
and
Regional Licensing Branches

[FOR ARPB USE]
INFORMATION FROM LTS

Program Code: 03121
Status Code: Pending Renewal
Fee Category: 3P
Exp. Date:
Fee Comments:
Decom Fin Assur Req: N

License Fee Worksheet - License Fee Transmittal

A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: EVANS CONSTRUCTION, INC.
Received Date: 05/27/2011
Docket Number: 3034035
Mail Control Number: 575325
License Number: 49-27538-01
Action Type: Renewal

2. FEE ATTACHED

Amount: _____

Check No.: _____

3. COMMENTS

Signed: _____

Date: _____

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: _____