



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

January 5, 2016

Christopher Barton
Blacktop QC Manager/RSO
Pennys Supply, Inc.
1001 Paxton Street
Harrisburg, PA 17104-1645

Re: PA Radioactive Materials License PA-1252

Dear Mr. Barton:

We are enclosing Amendment 5 to the referred license in response to correspondence dated December 31, 2015. This amendment adds a Troxler Model 4640 portable gauging device to the license.

Please forward the enclosed material appropriately.

Please note that the Commonwealth of Pennsylvania has "incorporated by reference" the NRC radiation protection regulations contained in 10 CFR Parts 19-150.

If there are any questions regarding this letter, I can be contacted at (717) 787-3720.

Thank you for your cooperation.

Sincerely,

John S. Chipppo
Chief

Radioactive Materials Section

Enclosure: PA-1252; Amendment 5

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD. IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.



RADIOACTIVE MATERIALS LICENSE

Pursuant to the Radiation Protection Act, the Act of July 10, 1984 (No. 147, P.L. 688)(35 P.S. §§ 7110.101 – 7110.703) and Title 25. Rules and Regulations, Article V. Radiological Health of the Pennsylvania Department of Environmental Protection, and in reliance on statements and representations heretofore Licensee to receive, acquire, possess, transfer, and use radioactive material listed below for the purposes and at the places designated below. This license shall be deemed subject to all applicable rules, regulations, or orders of the Pennsylvania Department of Environmental Protection now or hereafter in effect and to any conditions specified below.

Licensee		In response to correspondence dated December 31, 2015	
1. Pennsy Supply, Inc. 2. 1001 Paxton Street Harrisburg, PA 17104-1645		3. License No. PA – 1252 is renewed in its entirety as follows:	
		4. Expiration Date: November 30, 2025	
		5. Client ID: 1916 Program Code: 3121 Priority: 5	
6. Byproduct, source, and/or Special nuclear material	7. Chemical and/or physical form	8. Maximum amount that licensee may possess at any one time under this license	
A. Cesium 137	A. Sealed sources (Troxler Dwg. No. A-102112)	A. 9 millicuries per source, not to exceed 99 millicuries	
B. Americium 241:Be	B. Sealed neutron sources (Troxler Dwg. No. A-102451 or C-106580)	B. 44 millicuries per source, not to exceed 176 millicuries	

9. Authorized use:

- A.** For use in Troxler Electronic Laboratories, Inc. Model No. 4640 and 4640B portable gauging devices for measuring physical properties of materials.
- A. and B.** For use in Troxler Electronic Laboratories, Inc. Model No. 3440 and 3450 portable gauging devices for measuring physical properties of materials.

CONDITIONS

- 10.** Licensed material may be used or stored only at the licensee's facilities located at:
- 1001 Paxton Street, Harrisburg, PA 17104;
 - 300 Armstrong Road, Pittston, PA 18640;
 - 1061 Manheim Pike, Lancaster PA 17601; and
 - at temporary job sites in Pennsylvania.

Authorization for use of radioactive materials at job sites under exclusive Federal jurisdiction or in Agreement States shall be obtained from the appropriate regulatory agency.

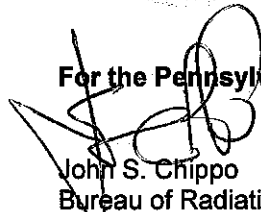
- 11.** The Radiation Safety Officer for this license is: Christopher Barton.
- 12.** Licensed material shall be used by, or under the supervision and in the physical presence of, individuals who have received the training described in the application to the Department of Environmental Protection dated October 25, 2015.
- 13.** A copy of the latest sealed source leak test results and emergency procedures shall be available for inspection at temporary job sites.

14.
 - 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 the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or equivalent regulations of 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 the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State, prior to the transfer, a sealed source received from another person shall not be put into use until tested and the test results received.
 - C. Sealed sources in storage need not be tested if they 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 Department 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 Department regulations.
 - E. Tests for leakage and/or contamination, limited to leak test sample collection, shall be performed by the licensee or by other persons specifically licensed by the NRC or Agreement State to perform such services. The licensee is not authorized to perform the analysis; analysis of leak test samples must be performed by persons specifically licensed by the NRC or an Agreement State to perform such services.
 - F. Records of leak test results shall be kept in units of microcuries and shall be maintained for 5 years.
15. Each portable gauge shall have a lock or lockable outer container to prevent un-authorized or accidental removal of the sealed source from its shielded position. The gauge or outer container shall be locked and secured from unauthorized access while in transport or not under the direct surveillance of an authorized user. Devices containing licensed material shall not be abandoned or discarded.
16. Sealed sources or source rods containing licensed material shall not be opened or sources removed from the source holders by the licensee.
17. The licensee shall conduct a physical inventory every 6 months, or at other intervals approved by the Bureau, to account for all sources and/or devices received and possessed under the license. Records of inventories shall be maintained for 5 years from the date of each inventory and shall include the radionuclides, quantities, manufacturer's name and model numbers and the date of the inventory.
18. The licensee shall immediately suspend operation of a device upon failure of, damage to, or an indication of a possible failure of, or damage to the source, source shielding, or any source rod, lock, on-off mechanism, shutter or safety indicator. The device may not be returned to service until it has been repaired by a person authorized by the NRC or an Agreement State to repair the device.
19. Under the provisions of 10 CFR 30.50(b)(2), any failure of the on-off mechanism (shutter) and indicator, if any, shall be reported to the department within 24 hours of the discovery by calling 717-787-2480. A written follow-up report shall be submitted in accordance with 10 CFR 30.50(c)(2) within 30 days.

20. Any cleaning, maintenance or repair of the gauges that requires detaching the source or source rod from the gauge shall be performed only by the manufacturer or by other persons specifically licensed the Department, the Nuclear Regulatory Commission or a State to perform such service.
21. A. If the licensee uses unshielded sealed sources extended more than 3 feet below the surface, the licensee shall use surface casing that extends from the lowest depth to 12 inches above the surface and other appropriate procedures to reduce the probability of the source or probe becoming lodged below the surface. If it is not feasible to extend the casing 12 inches above the surface, the licensee shall implement procedure to ensure that the cased hole is free of obstruction before making measurements.
- B. If a sealed source or a probe containing sealed sources becomes lodged below the surface and it becomes apparent that efforts to recover the sealed source or probe may not be successful, the licensee shall notify the Department of Environmental Protection and submit the report required by 10 CFR 30.50(b)(2) and (c). The licensee shall not abandon the sealed source or probe without obtaining the Department's prior written consent
22. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified and incorporated by reference in 10 CFR 30.35(d) for establishing financial assurance for decommissioning.
23. The licensee may transport licensed material, or deliver licensed material to a carrier for transport, in accordance 25 Pa Code Chapter 230, "Packaging and Transportation of Radioactive Material" and the provisions of 10 CFR Part 71 incorporated by reference.
24. Notwithstanding the requirements set forth in this license, the licensee shall comply with the regulations set forth in Title 25 of the Pennsylvania Code, Article V "Radiological Health" and the U.S. Nuclear Regulatory Commission, Title 10 Code of Federal Regulations Parts 19-150 incorporated by reference.
25. 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. This license condition applies only to those procedures that are required to be submitted in accordance with the regulations. The Department of Environmental Protection's regulations shall govern unless the statements, representations and procedures in the licensee's application and correspondence are more restrictive than the regulations.
- A. Renewal application dated October 25, 2015



For the Pennsylvania Department of Environmental Protection



John S. Chippo
Bureau of Radiation Protection
P. O. Box 8469
Harrisburg, PA 17105-8469

Date: January 5, 2016