



**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 FOIA, Privacy, and Information Collections Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to Infocollections.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 CURRENT VOLUMES OF THE NUREG-1556 TECHNICAL REPORT SERIES ("CONSOLIDATED GUIDANCE ABOUT MATERIALS LICENSES") FOR DETAILED INSTRUCTIONS FOR COMPLETING THIS FORM: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/>. SEND TWO COPIES OF THE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.

APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:

MATERIALS SAFETY LICENSING BRANCH
DIVISION OF MATERIAL SAFETY, STATE, TRIBAL AND RULEMAKING PROGRAMS
OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS
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
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

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
1600 E. LAMAR BOULEVARD
ARLINGTON, TX 76011-4511

Br. 2
LL 35420
030 39043
03/21
(47-35420-01)

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 _____

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

MR. ASPHALT, INC.
148 Hunters Cove
Charleston, WV 25320

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

148 Hunters Cove
Charleston, WV 25320

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

Gregory Boggess
BUSINESS TELEPHONE NUMBER *304-988-3789* BUSINESS CELLULAR TELEPHONE NUMBER *(304) 385-3835*
BUSINESS EMAIL ADDRESS *mrasphaltboggess@aol.com*

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.

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

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

10. RADIATION SAFETY PROGRAM.

9. FACILITIES AND EQUIPMENT.

11. WASTE MANAGEMENT.

12. LICENSE FEES (Fees required only for new applications, with few exceptions*) (See 10 CFR 170 and Section 170.31)

*Amendments/Renewals that increase the scope of the existing license to a new or higher fee category will require a fee.

| | |
|--------------|--------------------|
| FEE CATEGORY | AMOUNT ENCLOSED \$ |
| | |

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, 37, 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.

CERTIFYING OFFICER - TYPED/PRINTED NAME AND TITLE

Gregory D. Boggess *Sec.*

SIGNATURE

Gregory D. Boggess

DATE

3/16/17

FOR NRC USE ONLY

| TYPE OF FEE | FEE LOG | FEE CATEGORY | AMOUNT RECEIVED | CHECK NUMBER | COMMENTS |
|-------------|---------|--------------|-----------------|--------------|---------------|
| APPROVED BY | | | | DATE | |
| | | | | | <i>594531</i> |

THE CONTRACTORS ASSOCIATION OF WEST VIRGINIA



This is to certify that

Gregory Boggess

Has increased his or her personal knowledge
and enhanced his or her industry awareness
by successfully completing

**One Day Radiation and Hazardous Material Safety Training
For Using Nuclear Density Gauges**

January 17, 2017

Instructor

State of West Virginia
Department of Transportation
Division of Highways
Certificate of Qualification

GREGORY BOGGESS

is hereby certified as a qualified

**ASPHALT FIELD AND COMPACTION
TECHNICIAN**

Awarded this 20th day of February 2017



Gregory Boggess

QA Schools Coordinator

5) Radioactive Material

| A) Element and mass number | B) Chemical and/or physical form | C) Maximum amount that will be possessed at one time |
|----------------------------|-----------------------------------|--|
| a) Cesium-137 | Sealed source Troxler Dwg. 102112 | No single source to exceed 9 mCi |
| b) Americium-241 | Sealed source Troxler Dwg. 102451 | No single source to exceed 44 mCi |

6) Purpose for Which Licensed Material Will be Used

a&b: To be used in Troxler Model 3400 series gauges for measurement of physical properties of materials.

a: To be used in Troxler Model 4640 series gauge for measurement of physical properties of materials

7) Individual(s) Responsible for Radiation Safety Program and Their Training Experience

“Before obtaining licensed materials, the proposed RSO will have successfully completed Troxler’s Nuclear Gauge Safety Training Class or Troxler’s Radiation Safety Officer Training Class.”

AND

“ Before being named as the RSO, future RSO’s will have successfully completed Troxler’s Nuclear Gauge Safety Training Class or Troxler’s Radiation Safety Officer Training Class.”

8) Training for Individuals Working in or Frequenting Restricted Areas

“Before using licensed materials, all gauge users will have successfully completed the Troxler Nuclear Gauge Safety Training Class.”

9) Facilities and Equipment

- Storage area and building security and key control
- Where “Caution-Radioactive Material” sign is posted
- Distance to the nearest work station (at least 15 feet)
- Total number of gauges to be stored at this location (1)
- Additional shielding material and thickness, if any, in storage area (6”- 8”)
- What is in adjacent areas (all sides, above, and below) (Concrete sides and below, wood above)

10) Radiation Safety Program

10.1) Personal Monitoring

- Provide all gauge users with personal monitoring devices supplied by a processor that is accredited by the National Voluntary Laboratory Accreditation Program (NVLAP) and exchanged at the frequency recommended by the processor.

OR

- Maintain documentation demonstrating gauge users are not required to be monitored, i.e., are not likely to receive a radiation dose in excess of 10% of the allowable limits.
- “All personnel will wear a personal monitoring device, such as a TLD badge, to measure radiation exposure when using or transporting gauges. The badges shall be exchanged at intervals not to exceed three months. Dosimetry badges shall be provided by a vendor accredited by the National Voluntary Laboratory Accreditation Program (NVLAP).”

10.2) Radiation Detection Instruments

- “We will maintain a survey meter for use in the event of an incident involving the gauge. The survey meter will be calibrated annually by the manufacturer and checked for functionality before use (e.g., with the gauge sources or a check source).”

10.3) Sealed Source Leak Testing

- “Leak tests will be performed at intervals not to exceed 12 months using an approved kit, such as Troxler Leak Test Kit (Model 3880), in accordance with the kit supplier’s instructions. Leak test samples will be analyzed by an organization authorized by the NRC or Agreement State to provide leak test services, such as Troxler Electronic Laboratories, Inc. (North Carolina license No. 031-0182-1).”

10.4) Material Receipt and Accountability

- Records of receipt, transfer, and disposal of gauges will be maintained for at least three years.
- Physical inventories of sealed sources will be conducted at intervals not to exceed six months.

10.5) Public Dose

- Ensure that gauges are used, transported, and stored in such a way that no member of the public receives a dose of more than 100 mrem in one year.
- Ensure that the dose in unrestricted areas does not exceed two mrem in any one hour.
- Control and maintain constant surveillance over gauges that are not in storage and secure gauges from unauthorized use or removal.

10.7) Maintenance

- “We will implement and maintain procedures for routine maintenance (cleaning and lubrication) of our gauges according to the manufacturer’s recommendations and instructions.”

AND

- “We will send the gauge to the manufacturer to perform non-routine maintenance or repair operations that require removal of the source or source rod from the gauge.”

10.9) Audit Program

- Compliance with applicable NRC, state, and DOT regulations and the terms and conditions of the license.
- Doses to workers and members of the public are As Low As Reasonably Achievable (ALARA).
- “An audit of the radiation safety program content and implementation will be performed and documented annually. Records of audits will be maintained for at least three years. Corrective actions will be taken promptly to prevent recurrence of deficiencies.”

11) Waste Management

- “Licensed material will be returned to the manufacturer for disposal.”



ACKNOWLEDGEMENT - RECEIPT OF CORRESPONDENCE

| | |
|---|--|
| Name and Address of Applicant and/or Licensee Mr. Asphalt, Inc. ATTN: Gregory D. Boggess, Sec. 148 Hunters Cove Charleston, WV 25320 | Date April 19, 2017 |
| | License Number(s) New License Application |
| | Mail Control Number(s) 594531 |
| | Licensing and/or Technical Reviewer or Branch Commercial, Industrial, R&D, & Academic Branch (Branch 2) |

This is to acknowledge receipt of your: Letter and/or Application Dated: 03/16/2017

The initial processing, which included an administrative review, has been performed.
 Amendment Termination New License Renewal

There were no administrative omissions identified during our initial review.

This is to acknowledge receipt of your application for renewal of the material(s) license identified above. Your application is deemed timely filed, and accordingly, the license will not expire until final action has been taken by this office.

Your application for a new NRC license did not include your taxpayer identification number. Please complete and submit NRC Form 531, Request for Taxpayer Identification Number, located at the following link: <http://www.nrc.gov/reading-rm/doc-collections/forms/nrc531.pdf>
 Follow the instructions on the form for submission.

The following administrative omissions have been identified:

Your application has been assigned the above listed MAIL CONTROL NUMBER. When calling to inquire about this action, please refer to this control number. Your application has been forwarded to a technical reviewer. Please note that the technical review, which is normally completed within 180 days for a renewal application (90 days for all other requests), may identify additional omissions or require additional information. If you have any questions concerning the processing of your application, our contact information is listed below:

Region I
 U. S. Nuclear Regulatory Commission
 Division of Nuclear Materials Safety
 2100 Renaissance Boulevard, Suite 100
 King of Prussia, PA 19406-2713
 (610) 337-5260, (610) 337-5313,
 (610) 337-5398, or (610) 337-5239