



EMERY SAPP & SONS, INC

2/21/2018

Swift Construction Company, Inc. merged its operations with Emery Sapp & Sons, Inc. effective 1/1/2016. Swift Construction operates under Emery Sapp & Sons, Inc. (ESS Asphalt).

Thank you,

A handwritten signature in black ink, appearing to read 'Dan Hoover', is written over the typed name.

Dan Hoover  
Asst. Secretary



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, IL 60532-4352

Kyle Frye  
Radiation Safety Officer  
Emery Sapp & Sons, Inc.  
2301 I-70 Drive NW  
Columbia, MO 65202

Dear Mr. Frye:

Enclosed is Amendment No. 2 to your NRC Material License No. 24-32751-01 in accordance with your request.

In your correspondence to us dated January 26, 2018, you indicated that you wished to release for unrestricted use a former address of use located at 2600 N. Stadium Blvd., Columbia, MO 65202. Based on the information provided, the staff has concluded that all licensable material has been removed from this facility, and residual radioactive material attributable to licensed activities does not exceed current NRC criteria. Based on these conclusions, no further remediation or actions with respect to NRC regulated material is required for this address of use and this location is suitable for unrestricted use.

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate corrections and answers.

You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in the General Statement of Policy and Procedure for NRC Enforcement Actions. Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

In accordance with Title 10 Code of Federal Regulations 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and

K. Frye

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Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

*Laura B. Cender*

Laura B. Cender  
Health Physicist  
Materials Licensing Branch

License No. 24-32751-01  
Docket No. 030-38051

Enclosure: Amendment No. 2

**MATERIALS LICENSE**

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 70 and 71, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

<p style="text-align: center;">Licensee</p> <p>1. Emery Sapp &amp; Sons, Inc.</p>	<p>In accordance with letter dated January 26, 2018,</p>	<p>4. Expiration Date: August 31, 2019</p>
<p>2. 2301 I-70 Drive NW Columbia, MO 65202</p>	<p>3. License number: 24-32751-01 is amended in its entirety to read as follows:</p>	<p>5. Docket No.: 030-38051 Reference No.:</p>

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	9. Authorized use
A. Cesium-137	A. Sealed Sources (AEA Technology/QSA, Inc., Model CDCW556; Isotope Product Laboratories, Model HEG-137)	A. 9 millicuries per source and 63 millicuries total	A. For use in Troxler Electronic Laboratories Model 3400 Series portable gauging devices for measuring physical properties of materials.
B. Americium-241	B. Sealed Sources (AEA Technology/QSA, Inc., Model AMNV.997; Isotope Product Laboratories, Model Am1.NO2, 3021, and 3027)	B. 44 millicuries per source and 308 millicuries total	B. For use in Troxler Electronic Laboratories Model 3400 Series portable gauging devices for measuring physical properties of materials.
C. Americium-241	C. Sealed Sources (AEA Technology/QSA, Inc., Model AMN.V.997; Isotope Product Laboratories, Model Am1.NO2, 3027)	C. 44 millicuries per source and 88 millicuries total	C. For use in Troxler Electronic Laboratories Model 3241-D portable gauging devices for measuring physical properties of materials.

**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**

License Number

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**CONDITIONS**

10. Licensed material may be used or stored at the licensee's facilities located at:

- A. 5670 N. Highway 763, Columbia, Missouri, 65202
- B. 3121 State Highway J, Columbia, Missouri, 65201
- C. 301 Industrial Drive, Neosho, Missouri, 64850
- D. 7429 East Newman Road, Joplin, Missouri, 64801

Licensed material may be used at temporary job sites anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material, including areas of exclusive Federal jurisdiction within Agreement States. If the jurisdiction status of a Federal facility within an Agreement State is unknown, the licensee should contact the Federal agency controlling the job site in question to determine whether the proposed job site is an area of exclusive Federal jurisdiction. Authorization for use of radioactive materials at job sites in Agreement States not under exclusive Federal jurisdiction shall be obtained from the appropriate state regulatory agency.

11. Licensed material shall only be used by, or under the supervision and in the physical presence of, individuals who have received the training described in the facsimile dated July 22, 2009. The licensee shall maintain records of individuals designated as users for 3 years following the last use of licensed material by the individual.
12. The Radiation Safety Officer (RSO) for this license is Kyle Frye.
13. A. Sealed sources and detector cells 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 by an Agreement State. In the absence of a registration certificate, sealed sources shall be tested for leakage and/or contamination at intervals not to exceed 6 months, or at such other intervals as specified.

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- 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 by 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 need not be tested if they are in storage and 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 185 becquerels (0.005 microcuries) of radioactive material on the test sample. If the test reveals the presence of 185 becquerels (0.005 microcuries) or more of removable contamination, a report shall be filed with the U.S. Nuclear Regulatory Commission 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 Commission regulations.
- E. Analysis of leak test samples and/or contamination shall be performed by persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services. The licensee is authorized to collect leak test samples but not perform the analysis.
- F. Records of leak test results shall be kept in units of becquerels (microcuries) and shall be maintained for 3 years.
14. Sealed sources or source rods containing licensed material shall not be opened or sources removed from source holders or detached from source rods by the licensee, except as specifically authorized.
15. The licensee shall conduct a physical inventory every 6 months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sealed sources and/or devices received and possessed under the license. Records of inventories shall be maintained for 3 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.

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16. Except for maintaining labeling as required by 10 CFR Part 20, or Part 71, the licensee shall obtain authorization from the U.S. Nuclear Regulatory Commission before making any changes in the sealed source, device, or source-device combination that would alter the description or specifications as indicated in the respective certificate of registration issued either by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.210 or by an Agreement State.
17. Each portable nuclear gauge shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport or storage, or when not under the direct surveillance of an authorized user.
18. Any cleaning, maintenance, or repair of the gauge(s) that requires detaching the source or source rod from the gauge shall be performed only by the manufacturer or by other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.

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19. 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 U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.
- A. Application dated June 3, 2009 excluding Items 3, 5-11, and attachments (ML091550776)
  - B. Facsimile dated July 22, 2009 (ML092030205)
  - C. Facsimile dated January 26, 2018 (ML18026A833)
  - D. Facsimile dated February 8, 2018 (ML18043A147)
  - E. Letter dated February 13, 2018 (ML18045A027)

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date: MAR 20 2018By: Frank P.D. Tran  
Region III



## Dalzell, Jennifer

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**From:** Kyle Frye <Kyle.Frye@Emerysapp.com>  
**Sent:** Saturday, June 16, 2018 10:34 AM  
**To:** Dalzell, Jennifer  
**Subject:** [External\_Sender] RE: Swift Construction Company License Termination  
**Attachments:** ESS - Swift Merge Letter.pdf; Emery Sapp & Sons, Inc. - Amendment No. 2.pdf

Jennifer,

I have attached a letter showing Emery Sapp & Sons Inc, purchased Swift Construction Companies assets. I have also attached a copy of ESS's license which shows me as the RSO and also as been amended to show a permanent storage location as that of Swift's. Please let me know if this will not work for you and I will get you something that will. Thank you.

**From:** Bishop, Jennifer <Jennifer.Bishop@nrc.gov>  
**Sent:** Monday, June 11, 2018 4:02 PM  
**To:** Kyle Frye <Kyle.Frye@Emerysapp.com>  
**Subject:** Swift Construction Company License Termination

Dear Mr. Frye,

As we discussed in our phone conversation this afternoon, please provide a letter or other signed document, confirming that Emery Sapp & Sons Inc. has purchased Swift Construction Company and that you are the RSO.

Thank you,

Jennifer L. Dalzell  
Health Physicist – Licensing  
NRC-Region III  
[Jennifer.Dalzell@nrc.gov](mailto:Jennifer.Dalzell@nrc.gov)  
630-829-9607