DL-052799_02

May 27, 1999

Compton Construction Company Inc
ATTN: Mr. Mark A. Walkup
Radiation Safety Officer
P O. Box 1010
Princeton, WV 24740

SUBJECT: TRANSMITTAL AND EXPLANATION OF AMENDMENT TO LICENSE NO 47-24807-01 (REFERENCE CONTROL NO 222019, DOCKET NO 030-28920)

Dear Mr Walkup

Enclosed please find Amendment No 2 to your NRC materials license Changes to the license are printed in B[illegible]D typeface

Please review the document carefully and be sure that you understand all conditions If there are any errors or questions, please notify this office (ATTN Ms Diane Heim at (404) 562-4723) so that we can provide appropriate corrections and answers

Please note that as part of this amendment, in accordance with 10 CFR 30 36, effective February 15, 1996, the expiration date of your license has been extended by a period of five years Your new expiration date is stated in Item 4 of the license Unless your license has been terminated, you must conduct your program involving byproduct materials in accordance with the conditions of your NRC license, representations made in your license application, and NRC regulations In particular, note that you must

1 Operate in accordance with NRC regulations 10 CFR 19, "Notices Instructions and Reports to Workers Inspection and Investigations" 10 CFR 20, "Standards for Protection Against Radiation", and other applicable regulations

2 Notify NRC, in writing within 30 days

a. when an authorized user or Radiation Safety Officer permanently discontinues performance of duties under the license or has a name change or

b when the licensee's mailing address changes (no fee is required if the location of byproduct material remains the same)

3 In accordance with 10 CFR 30 36(d) and/or license condition, notify NRC promptly, in writing, and request termination of the license

a when you decide to terminate all activities involving materials authorized under the license, or

b when you decide to terminate licensed activities in a separate building or outdoor area identified on your license

4. Request and obtain a license amendment before you:

   a. change Radiation Safety Officer;

   b. order byproduct material in excess of the amount, or a different radionuclide or form, other than authorized on the license;

   c. add to or change the areas of use or address (or addresses) of use identified in the license application or on the license; or

   d. change ownership of your organization.

5. Submit a complete renewal application with proper fee or termination request at least 30 days before the expiration date of your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of byproduct material after your license expires is a violation of NRC regulations. Transfer of licensed materials must be consistent with 10 CFR 30.41, 40.51 or 70.42, as applicable. A license will not normally be renewed, except on a case-by-case basis, in instances where licensed material has never been possessed or used.

In addition, please note that NRC Form 313 requires the applicant, by his/her signature, to verify that the applicant understands that all statements contained in the application are true and correct to the best of the applicant's knowledge. The signature on the application should be the licensee or certifying official rather than a consultant.

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 most current version of the "General Statement of Policy and procedures for NRC Enforcement Actions," NUREG-1600. 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 against those who do not achieve the necessary attention to detail and standard of compliance expected of licensees.

Thank you for your cooperation.

Sincerely,

David J. Collins, License Reviewer
Division of Nuclear Materials Safety

Enclosures: 1. Amendment No. 2
License No. 47-24807-01
2. NRC Form 313

OFFICE	RII:DNMS	RII:DNMS	RII:DNMS				
SIGNATURE							
NAME	DJCollins	MLesser	[illegible]sley				
DATE	5/ /99	5/ /99	5/ /99	5/ /99	5/ /99	5/ /99	5/ /99
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

OFFICIAL RECORD COPY DOCUMENT NAME: G:\NMSSI\DNMS\COVLTR\222019.djc

NRC FORM 374 U.S. NUCLEAR REGULATORY COMMISSION

OFFICIAL RECORD COPY

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, 39, 40, and 70, 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.

Licensee	
1 Compton Construction Company, Inc.	**In accordance with the letter dated March 9, 1999**
	3. License No. 47-24807-01 **is amended in its entirety to read as follows:**
2. P.O. Box 1010 Princeton West Virginia 24740	4. Expiration date: **February 28, 2001 (Extended)**
	5. Docket No. 030-28920 Reference No.

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. A-102112)	A No single source to exceed the maximum activity specified in the certificate of registration issued by NRC or an Agreement State
B Americium-241	B. Sealed neutron sources (Troxler Dwg. A-102451)	B No single source to exceed the maximum activity specified in the certificate of registration issued by NRC or an Agreement State

9 Authorized use

A and B To be used for measuring physical properties of materials, in portable Troxler Electronic Laboratories, Inc. Model 3400 Series gauging devices that have been registered either with NRC under 10 CFR 32.210 or with an Agreement State and have been distributed in accordance with an NRC or Agreement State specific license authorizing distribution to persons specifically authorized by an NRC or Agreement State license to receive, possess, and use the devices.

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CONDITIONS

10. Licensed material may be used or stored at the licensee's facilities located at Route #4, Greasy Ridge Road, Princeton, West Virginia and may be used at temporary job sites of the licensee anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material.

    If the jurisdictional 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 in 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 Agreement State Agency.

11. A. Licensed material shall only be used by, or under the supervision and in the physical presence of, Mark A. Walkup, or individuals who have completed the Troxler training course in the use of the gauges and has been trained in the licensee's operat ind emergency procedures.

    B. The Radiation Safety Officer is Mark A. Walkup.

12. 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 NRC under 10 CFR 32.210 or by 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 NRC under 10 CFR 32.210 or by an Agreement State prior to the transfer, a sealed source or detector cell received from another person shall not be put into use until tested.

    C. Sealed sources need not be tested if they are in storage and are not being used. However, when they are removed rom 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.

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12. D. The leak test shall be capable of detecting the presence of 185 becquerels (Bq) (0.005 microcurie) of radioactive material on the test sample. If the test reveals the presence of 185 Bq or more of removable contamination, a report shall be filed with the U. S. Nuclear Regulatory Commission in accordance with 10 CFR 30.50 (b)(2), and the source shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. The report shall be filed within 5 days of the date the leak test result is known with the U. S. Nuclear Regulatory Commission, Region II, 61 Forsyth Street, SW, Suite 23T85, Atlanta, GA 30303-8931. The report shall specify the source involved, the test results, and corrective action taken.

E. Tests of leakage and/or contamination shall be performed by persons specifically licensed by the Commission or an Agreement State to perform such services. In addition, the licensee is authorized to collect leak test samples but not perform the analysis; analysis of leak test samples must be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.

13. Sealed sources or source rods containing licensed mat[illegible]shall not be opened or sources removed or detached from source rods or gauges by the licensee, except as specifically authorized.

14. The licensee shall conduct a physical inventory every 6 months, or at other interval approved by NRC, to account for all sources and/or devices received and possessed under the license.

15. Each portable 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, storage, or when not under the direct surveillance of an authorized user.

16. Except for maintaining labeling as required by 10 CFR Part 20 or 71, the licensee shall obtain authorization from NRC 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 Certificates of Registration issued either by the Commission pursuant to 10 CFR 32.210 or by an Agreement State.

17. Any cleaning, maintenance, or repair of the gauges that requires removal of the source rod shall be performed only by the manufacturer or by other persons specifically licensed by the Commission or an Agreement State to perform such services.

18 The licensee is authorized to transport licensed material only in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

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19 A If the licensee uses sealed sources or probes containing sealed sources at depths greater than 3 feet, 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

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 U. S Nuclear Regulatory Commission 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 Commission's prior written consent

20. 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 in 10 CFR 30.35(d) for establishing decommissioning financial assurance.

21. 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 The 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 October 19, 1990

B Letters dated (or received as noted)

1. **March 9, 1999 [Name Mr. Walkup as RSO]**
2. **May 20, 1999 [Certificates for Mr. Walkup]**

FOR THE U S NUCLEAR REGULATORY COMMISSION

DAVID J COLLINS

Date MAY 27 1999

By _____

Region II Division of Nuclear Materials Safety
61 Forsyth Street, SW, Suite 23T85
Atlanta, GA 30303