



NMSB

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RECEIVED
REGION 1

January 15, 2008

U.S. NRC Region I
475 Allendale Road
King of Prussia, PA 19406-1415

Attn: Sattar Lodhi, Ph.D.

Re: Former Floyd Asphalt Paving Company
License # 45-25345-01 03033913 (TEAM)

Dear Mr. Lodhi,

Our parent company Oldcastle Materials purchased Floyd Asphalt Paving Company as of January 1, 2008. It is our request that the above license is relinquished, and their 4640-B Gauge; S/N 778 be added to our NRC license # 45- 25002-01. We would also like to add two more storage facilities to our current license.

03030638

- 1) 2967, Virginia Avenue
Bluefield, VA 24605
- 2) 6420, Powell Valley Road
Big Stone Gap VA 24219

If there are any questions please contact our office.

Sincerely,

Tim Boyd
RSO- W-L Construction & Paving Inc.

Cc: Kenneth M. Taylor
File

141637/141638

NMSS/RCN1 MATERIALS-002

PHONE: 276-326-1100
www.floydasphalt.com
VA 2701-017891A

FLOYD ASPHALT PAVING COMPANY
2967 VIRGINIA AVENUE
BLUEFIELD, VIRGINIA 24605
WV 003767

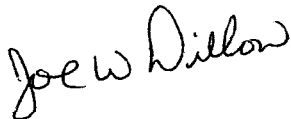
January 4, 2008

W-L Construction & Paving Inc.
Attn: Radiation Safety Officer
Tim Boyd
P. O. Box Drawer 927
Chihowie, Virginia 24319

Dear Mr. Boyd:

Due to W-L Construction's recent acquisition of Floyd Asphalt Paving Co, please consider this a formal request to transfer control and ownership of our nuclear density gauge to W-L Construction & Paving Inc.

Yours truly,



Joe Dillow
Radiation Safety Officer
Floyd Asphalt Paving
License No. 45-25345-01 *mat*
Gauge Model No. 4640 B; S/N 778

03033913

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.

<p style="text-align: center;">Licensee</p> <p>1. Floyd Asphalt Paving Company</p> <p>2. 2967 Virginia Avenue Bluefield, VA 24605</p>	<p>In accordance with the application dated December 27, 2004,</p> <p>3. License number 45-25345-01 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date February 28, 2015</p> <hr/> <p>5. Docket No. 030-33913 Reference No.</p>
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<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Cesium 137</p>	<p>7. Chemical and/or physical form</p> <p>A. Sealed Sources (Troxler Dwg. A-102112, AEA Technology/QSA, Inc. Model CDCW556 or Isotope Product Laboratories Model HEG-137-8M)</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. No single source to exceed the maximum activity specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission or an Agreement State</p>
<p>9. Authorized use:</p> <p>A. In Troxler Electronic Laboratories Model No. 4640 or 4640-B portable gauging devices for measuring physical properties of materials.</p>		

CONDITIONS

10. Licensed material may be used or stored at the licensee's facilities located at 2967 Virginia Avenue, Bluefield, 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, 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.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License Number
45-25345-01Docket or Reference Number
030-33913

Amendment No. 02

11. 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 dated December 27, 2004 and facsimile dated February 9, 2005.
12. The Radiation Safety Officer for this license is Joe Dillow.
13. 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), 40.36(b), and 70.25(d) for establishing decommissioning financial assurance.
14.
 - A. Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed six months or at 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.
 - 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 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 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 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. 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 U.S. Nuclear Regulatory Commission or an 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 U.S. Nuclear Regulatory Commission 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. Sealed sources or source rods containing licensed material shall not be opened or sources removed or detached from source rods or gauges by the licensee, except as specifically authorized.

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16. The licensee shall conduct a physical inventory every six months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, 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.
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 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 by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.
19. 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 procedures 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 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. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
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 U.S. Nuclear Regulatory Commission's regulations shall govern unless

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the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.

- A. Application dated December 27, 2004 (ML050210308)
- B. Facsimile dated February 9, 2005.

For the U.S. Nuclear Regulatory Commission

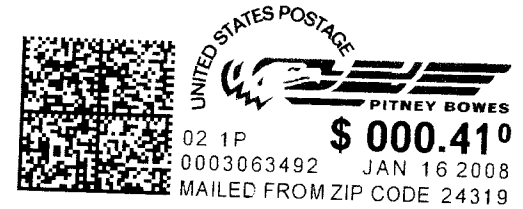
Date February 10, 2005

By _____

Jenny Johansen
Security and Industrial Branch
Division of Nuclear Materials Safety
Region I
King of Prussia, Pennsylvania 19406

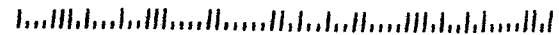


U.S NRC Region 1
475 Allendale Road
King of Prussia, PA 19406-1415
Attn: Sattar Lodhi, Ph. D.



141637/141638

19406\$1431 0002



This is to acknowledge the receipt of your letter/application dated

1/15/2008, and to inform you that the initial processing which includes an administrative review has been performed.

TERM. 45-25345-01 / AMEND. 45-25002-01
There were no administrative omissions. Your application was assigned to a technical reviewer. Please note that the technical review may identify additional omissions or require additional information.

Please provide to this office within 30 days of your receipt of this card

A copy of your action has been forwarded to our License Fee & Accounts Receivable Branch, who will contact you separately if there is a fee issue involved.

Your action has been assigned **Mail Control Number** 141637/141638.
When calling to inquire about this action, please refer to this control number.
You may call us on (610) 337-5398, or 337-5260.