

# BRAYMAN construction corporation

*Innovative Solutions*

Since 1947

February 22, 2010

Br3

Licensing Assistance Team  
Division of Nuclear Materials Safety  
U. S. Nuclear Regulatory Commission, Region I  
475 Allendale Road  
King of Prussia, PA 19406-1415

03036501

RECEIVED  
REGION I  
FEB 24 AM 10:35

RE: License No. 37-30880-01

Gentlemen/Ladies:

We are writing this letter to request an amendment to our License No. 37-30880-01 (copy attached). Please see the attached Application for Materials License, NRC Form 313.

Our request is to change the Radiation Safety Officer from James S. Williamson II, who is currently listed on our license, to Gary Tellish. Enclosed with this letter are copies of the following certifications for Mr. Tellish:

- Radiation Safety Officer – Training Date of February 18, 2010
- Hazmat Certification – Training Date of February 17, 2010
- Nuclear Gauge Safety Certification – Training Date of February 17, 2010

Also, please accept this as notification that we plan to purchase another Troxler gauge as follows, to be stored in Pennsylvania:

- Model 3430
  - Cesium-137
    - Chemical & physical form, sealed source
    - Max. amount possessed at one time, no single source to exceed 9 mCi
  - Americium -241
    - Sealed source
    - No single source to exceed 44 mCi

Should you have any questions or require additional information, please contact me at (724) 443-1533.

Sincerely,



Michael K. Bechtold  
Executive Vice President

MKB/nar

Enclosures



1000 John Roebling Way ■ Saxonburg, PA 16056 ■ 724-443-1533 ■ Fax: 724-443-8733  
www.braymanconstruction.com  
EOE/Drug Free Employer



144466

(3-2009)  
10 CFR 30, 32, 33,  
34, 35, 36, 39, and 40

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 Records and FOIA/Privacy Services Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to infocollects.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.

### APPLICATION FOR MATERIALS LICENSE

**INSTRUCTIONS: SEE THE APPROPRIATE LICENSE APPLICATION GUIDE FOR DETAILED INSTRUCTIONS FOR COMPLETING APPLICATION. SEND TWO COPIES OF THE ENTIRE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.**

APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:

IF YOU ARE LOCATED IN:

OFFICE OF FEDERAL & STATE MATERIALS AND ENVIRONMENTAL MANAGEMENT PROGRAMS  
DIVISION OF MATERIALS SAFETY AND STATE AGREEMENTS  
U.S. NUCLEAR REGULATORY COMMISSION  
WASHINGTON, DC 20555-0001

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

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:

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:

LICENSING ASSISTANCE TEAM  
DIVISION OF NUCLEAR MATERIALS SAFETY  
U.S. NUCLEAR REGULATORY COMMISSION, REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PA 19406-1415

NUCLEAR MATERIALS LICENSING BRANCH  
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV  
612 E. LAMAR BOULEVARD, SUITE 400  
ARLINGTON, TX 76011-4125

03036501

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)

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

- A. NEW LICENSE
- B. AMENDMENT TO LICENSE NUMBER **37-30880-01**
- C. RENEWAL OF LICENSE NUMBER

**Brayman Construction Corporation**  
**1000 John Roebling Way**  
**Saxonburg, PA 16056**

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

**4006 MacCorkle Avenue SW**  
**South Charleston, WV 25309**

**Gary Tellish**  
TELEPHONE NUMBER

**(724) 443-1533**

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

6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED.

- a. Element and mass number; b. chemical and/or physical form; and c. maximum amount which will be possessed at any one time

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

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

9. FACILITIES AND EQUIPMENT.

10. RADIATION SAFETY PROGRAM

11. WASTE MANAGEMENT.

12. LICENSE FEES (See 10 CFR 170 and Section 170.31)

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, 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

SIGNATURE

DATE

**Michael K. Bechtold - Treasurer & Exec. Vice Pres.**

**02/22/2010**

#### FOR NRC USE ONLY

TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
			\$		

APPROVED BY

DATE

144466

**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. Brayman Construction Corporation</p> <p>2. 1000 John Roebling Way Saxonburg, Pennsylvania 16056</p>	<p>In accordance with letter dated March 12, 2008,</p> <p>3. License number 37-30880-01 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date March 31, 2014</p> <hr/> <p>5. Docket No. 030-36501 Reference No.</p>
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<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Cesium 137</p> <p>B. Americium 241</p>	<p>7. Chemical and/or physical form</p> <p>A. Sealed Source (Troxler Drawing A-102112)</p> <p>B. Sealed Neutron Source (Troxler Drawing A-102451 or C-106580)</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. 9 millicuries total</p> <p>B. 44 millicuries total</p>
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9. Authorized use:

A. and B. In Troxler Electronics, Inc., Model No. 3400 Series portable gauging devices for measuring physical properties of materials.

**CONDITIONS**

10. Licensed material may be used or stored at the licensee's facilities located at 4006 MacCorkle Avenue SW, South Charleston, 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, 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

37-30880-01

Docket or Reference Number

030-36501

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 February 6, 2004.
12. The Radiation Safety Officer for this license is James S. Williamson II.
13. 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.
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 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.

**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**

License Number

37-30880-01

Docket or Reference Number

030-36501

Amendment No. 02

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.
16. 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.
17. 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.
18.
  - 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.
19. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**License Number  
37-30880-01Docket or Reference Number  
030-36501

Amendment No. 02

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

- A. Application dated February 6, 2004 (ML040570666)
- B. Letter dated February 4, 2005 (ML050470231)
- C. Letter dated March 12, 2008 (ML080770156)

For the U.S. Nuclear Regulatory Commission

Date March 17, 2008

By

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

**APNGA**  
**Certificate of Achievement**  
**This confirms that**

Gary Tellish

has successfully completed the APNGA Portable Nuclear Gauge

**Radiation Safety Officer Class**

on this day

Thursday, February 18, 2010

American Portable Nuclear Gauge Association (APNGA)  
[www.apnga.com](http://www.apnga.com)

  
George E. Marshall  
APNGA Director

# HAZMAT CERTIFICATION

*as required by U.S. DOT and IATA*

This certifies that  
**Gary Tellish**

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has been trained and tested in accordance with the U.S. Department of Transportation and International Air Transport Association (IATA) hazardous material requirements for general awareness/familiarization, function-specific, safety, and security awareness training as related to the transportation of nuclear gauges. A description of the training course materials is available from Troxler Electronic Laboratories, Inc. This certificate expires three years from the training date shown below.

Training Date

February 17, 2010

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The Leader in Construction Testing Equipment

Troxler Electronic Laboratories, Inc.

PO Box 12057-3008 Cornwallis Road - Research Triangle Park, NC 27709

Phone: (919) 549-8661 - Fax (919) 549-0761 - [www.troxlerlabs.com](http://www.troxlerlabs.com)

Course: Troxler Hazmat Certificate

Tracking Code: A5FMAA86FAI679578K9M9F75D

# *Nuclear Gauge Safety Certification*

This certifies that

Gary Tellish

has successfully completed training on radiation safety and regulatory requirements for the use of portable nuclear gauges on this date.

February 17, 2010

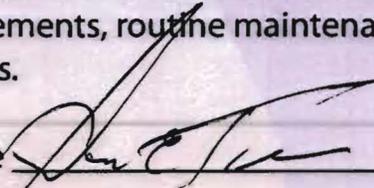
**This certificate is not valid until signed by the licensee RSO.**

I attest that the person named above, and no other, completed the online course and tests. I certify that the individual has completed practical skills training for setting up and making measurements, routine maintenance, packaging and transport, storage, and emergency procedures for portable nuclear gauges.

Licensee RSO (Print Name)

Gary E Tellish

Signature



Date 2-18-10



The Leader in Construction Testing Equipment

Troxler Electronic Laboratories, Inc.

PO Box 12057-3008 Cornwallis Road - Research Triangle Park, NC 27709

Phone: (919) 549-8661 - Fax (919) 549-0761 - [www.troxlerlabs.com](http://www.troxlerlabs.com)

Course: Nuclear Gauge Safety Certificate

Tracking Code: H66LCE88JC655EI9M65888CLB

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

2/22/2010, and to inform you that the initial processing which includes an administrative review has been performed.

AMEND. 37-30880-C1  
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

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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** 144466.  
When calling to inquire about this action, please refer to this control number.  
You may call us on (610) 337-5398, or 337-5260.