



October 24, 2011

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

Br. 3

RECEIVED  
REGION 1  
2011 OCT 27 PM 1:04

Dear Gentlemen:

03033317

RE: License Number 45-21343-02  
Amendment


Enclosed please find two copies of request for amendment of the above referenced license.

We are requesting two amendments. Due to a change in marital status Tara L. Brill / RSO is now known as Tara L. Greene.

Secondly, we have transferred a Troxler Model 3430 (Serial Number 20474) Nuclear Density Gauge from our affiliated company, West Virginia Paving Inc. to our inventory. We have attached a copy of the Gauge Transfer Form as well as a Leak Test Certificate dated 6/29/2011.

We trust that the enclosed is satisfactory for your need. If you should have any further questions please feel free to contact the Tara L. Greene @ 540-247-6735.

Sincerely,

  
Christopher J. Frey Sr.  
Vice President



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

## 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 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](mailto: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.

**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:

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

## 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  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PA 19406-1415

## 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  
612 E. LAMAR BOULEVARD, SUITE 400  
ARLINGTON, TX 76011-4125

**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 **45-21343-02**  
☐ C. RENEWAL OF LICENSE NUMBER

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

**W-L Construction and Paving Inc.**  
**P.O. Box 339**  
**Stephenson, VA 22656**

## 3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

**660 Quarry Lane**  
**Clearbrook, VA 22624**

## 4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

**Tara L. Greene/RSO**

TELEPHONE NUMBER

**(540) 247-6735**

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.

## 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 ENCLOSURE \$

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

**Christopher J. Frey Sr./Vice President**

SIGNATURE

DATE

**10/25/2011**

## FOR NRC USE ONLY

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

APPROVED BY

DATE



5.      A. Cesium 137      A. Seale source (Troxler Dwg. A-102112;  
AEA Technology Model CDCW556  
Isotope Products Laboratories Model  
HEG-137)      A. 36 millicuries total  
  
B. Americium 241      B. Sealed Source (Troxler Dwg. A-102451      B. 176 Millicuries total  
Or C-106580: AEA Technology Model  
AMNV.997 Isotope Product Laboratories  
Am1.N02, 3021 or 3027)
6.      For use in Troxler Models 3400 series and 4640 series portable gauging devices used for measuring physical properties of materials.
7.      Tara L Greene -Troxler radiation safety officer class completed on June 7, 2007, hazmat certification Completed on June 6, 2007 and Nuclear Gauge safety training completed on June 6, 2007 Instructor Harvey Dunlevy training department for Troxler electronic Laboratories.
8.      Nuclear gauge safety training course and hazmat certification.
9.      All gauges will be stored at 660 Quarry Lane Clearbrook Virginia 22624. They will be stored in secure locked steel boxes and behind locked gates that are not accessible unauthorized personnel.
10.      All personnel using the gauges will be monitored with TLD film badges. They will be changed every three months.
11.      For any disposal purposes gauges will be transferred to licensee specifically authorized to possess the nuclear material.



## GAUGE TRANSFER/DISPOSAL FORM

This form can be used for recordkeeping or to notify the Agency of a portable nuclear gauge which is transferred or disposed of. A transfer sheet should be completed for every gauge that transfers out of the licensee's possession (sale, disposal or for service).

Transferor License Number: 47-17070-01 Telephone Number: 304-768-9733

License Name: W. Va. Paving Co.

Address: P.O. Box 544  
Dunbar, W. Va. 25064

### Gauge/Transfer Information

Complete the following information for each gauge which is transferred or disposed. On the "TRANSFERRED TO:" line, indicate to whom the gauge was transferred, for what purpose (sold, disposed of, transfer to a different license, or for service/calibration). Receiver/transferee license must allow for additional gauges.

Manufacturer: Traylor Elec.

Model number: 3430

Serial number: 20474

Source serial #'s: Cs-137 (75-1834)  
Am 241 (47-15952)

Last leak test date: 6/29/2011

Transferred To: WHL Const

Address: 660 Quarry Lane  
Clearbrook, Va. 22624

Date of Transfer: 7/26/2011

Reason for transfer: USED for testing

Receiver license #/state: 95-21343-02

RSO/Official name: Tara Greene

Signature: Tara Greene

Transfer checklist: Gauge case is undamaged and labels are legible; Bill of Lading has been completed and attached to Emergency Information Sheet; Gauge inventory/gauge log has been adjusted; if gauge is damaged - disposal/service facility receiving the gauge has been notified in advance & proper transport case is used.

Note: Make sure that the receiver's license lists the exact type/model of gauge you are transferring. Likewise, assure that the receiver/transferee gauge limit has not been exceeded. If you are unsure, contact the receiver's regulatory agency.

Make copies for your records, for the receiver/transferee and for the agency. Keep copies of any other transfer documentation (Bill of Sale, shipping receipts, etc)

I certify that the above information is true and correct to the best of my knowledge.

Signature of transferor RSO or person authorized to act on behalf of licensee.

Dallas Boggess  
SIGNATURE

RSO  
TITLE

7/20/2011  
DATE



NRC FORM 314  
(12-2010)  
10 CFR 30.346(k)(1), 40.42(k)(1),  
70.28(k)(1) and 72.54(k)(1)(i)

U.S. NUCLEAR REGULATORY COMMISSION

APPROVED BY OMB: NO. 3150-0028

EXPIRES: 10/31/2011

CERTIFICATE OF DISPOSITION OF MATERIALS

Estimated burden per response to comply with this mandatory collection request: 30 minutes. This material is used by NRC as part of the basis for its determination that the facility is released for unrestricted use. Send comments regarding burden estimate to the Information Services Branch (T-5F33), U.S. Nuclear Regulatory Commission, Washington, DC 20545-0001, or by Internet e-mail to [Information.Services@nrc.gov](mailto:Information.Services@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEDS-10202, (3150-0028), Office of Management and Budget, Washington, DC 20503. If a notice 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.

LICENSEE NAME AND ADDRESS  
West Virginia Paving  
P. O. Box 544  
Dunbar, WV 25064

LICENSE NUMBER

47-17070-01

DOCKET NUMBER

030-12140

LICENSE EXPIRATION DATE

August 31, 2011

- ☐ This license has expired. ☐ This license has not yet expired; please terminate it.

B. DISPOSAL OF RADIOACTIVE MATERIAL

(Check the appropriate boxes and complete as necessary. If additional space is needed, provide attachments)

The licensee, or any individual executing this certificate on behalf of the licensee, certifies that:

- ☐ 1. No radioactive materials have ever been procured or possessed by the licensee under this license.
- ☐ 2. All activities authorized by this license have ceased, and all radioactive materials procured and/or possessed by the licensee under this license number cited above have been disposed of in the following manner:
- ☒ a. Transfer of radioactive materials to the licensee listed below:  
W & L Construction - 660 Quarry Lane - Clearbrook, Va. 22624 NRC Lic. # 45-21343-02 (Model 3430 Gauge SN 20474)
- ☐ b. Disposal of radioactive materials:
- ☐ 1. Directly by the licensee:
- ☐ 2. By licensed disposal site:
- ☐ 3. By waste contractor:
- c. All radioactive materials have been removed such that any remaining residual radioactivity is within the limits of 10 CFR Part 20, Subpart E, and is ALARA.

C. SURVEYS PERFORMED AND REPORTED

- ☐ 1. A radiation survey was conducted by the licensee. The survey confirms:
- ☐ a. the absence of licensed radioactive materials
- ☐ b. that any remaining residual radioactivity is within the limits of 10 CFR 20, Subpart E, and is ALARA.
- ☐ 2. A copy of the radiation survey results:
- ☐ a. is attached; or ☐ b. is not attached (Provide explanation); or ☐ c. was forwarded to NRC on: \_\_\_\_\_ Date \_\_\_\_\_
- ☐ 3. A radiation survey is not required as only sealed sources were ever possessed under this license, and
- ☒ a. The results of the latest leak test are attached; and/or ☐ b. No leaking sources have ever been identified.

The person to be contacted regarding the information provided on this form:

NAME  
Dallas Boggess

TITLE  
RSO

TELEPHONE (Include Area Code)  
304-720-6402

E-MAIL ADDRESS  
[dboggess@wvpaving.com](mailto:dboggess@wvpaving.com)

Mail all future correspondence regarding this license to:

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT

PRINTED NAME AND TITLE  
Dallas Boggess (RSO)

SIGNATURE  
*Dallas Boggess*

DATE  
7/20/2011

WARNING: FALSE STATEMENTS IN THIS CERTIFICATE MAY BE SUBJECT TO CIVIL AND/OR CRIMINAL PENALTIES. NRC REGULATIONS REQUIRE THAT SUBMISSIONS TO THE NRC BE COMPLETE AND ACCURATE IN ALL MATERIAL RESPECT. 18 U.S.C. SECTION 1001 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.

NRC FORM 314 (12-2010)



**W & L Construction contact :**

**Chris Frey**

**540 - 662 - 4008**





Troxler Electronic Laboratories, Inc.  
3008 Cornwells Rd., P.O. Box 12057  
Research Triangle Park, NC 27709  
Tel: (877) 876-8537 Fax: (866) 381-2758  
License: NC 032-0182-1

TARA GREENE  
W-L CONSTRUCTION & PAVING, INC.  
PO BOX 339  
STEPHENSON, VA 22656

Cust ID: 9863

### LEAK TEST CERTIFICATE

**DEVICE:**

Model: 3430 Serial No: 20474

**SEALED SOURCES:**

Serial No.	Measure Date	Nuclide	GBq	mCi
75-1834	08/20/1991	Cs-137	0.298	8
47-15952	04/23/1991	Am-241:Be	1.48	40

**LEAK TEST ANALYSIS:**

Sample collected on: 08/29/2011  
Sample analyzed on: 07/07/2011 7:07:47 AM Position: 5  
Analyzed by: D. Rose

	ALPHA	BETA-GAMMA
Conversion factor (cpm/Bq)	1.22E+01	1.95E+01
Background measurement (cpm)	2	27
Sample measurement (cpm)	2	17
Activity (Bq)	< MDA	< MDA
Min. Detectable Activity (Bq)	7.2E-01	1.4E+00

This certifies that the leak test results are:

✓ Less than 185 Bq (0.005 uCi) Greater than 185 Bq (0.005 uCi)

Rev. 9/2006

RECEIVED JUL 13 2011



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

10/24/2011, and to inform you that the initial processing which includes an administrative review has been performed.

☒ Amendment (45-21343-02) 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** 576271.  
When calling to inquire about this action, please refer to this control number.  
You may call us on (610) 337-5398, or 337-5260.