

DL-082698-04

August 26, 1998

Holley Brothers Construction Company, Inc.
ATTN: Mr. Jack Whittaker
General Manager
115 Rose Hill Acres
Scott Depot, WV 25560

SUBJECT: TRANSMITTAL AND EXPLANATION OF LICENSE NO. 47-25443-01
(REFERENCE CONTROL NO. 257995; DOCKET NO. 030-34784)

Dear Mr. Whittaker:

Enclosed please find your new NRC materials license.

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 be advised that your license expires as stated in Item 4. 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:

This license has been written in the format in NUREG 1556, Volume 1, Consolidated Guidance About Materials Licenses, Program Specific Guidance About Portable Gauge Licenses, May 1997. If individuals are trained as Radiation Safety Officers in accordance with this document, no fee will be charged when amending the license to list them.

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. Not possess and use materials authorized in items 6, 7, and 8 on the license until:
 - a. you have constructed the facilities and obtained the equipment described in the license application and supporting documentation; and
 - b. you have notified the U. S. Nuclear Regulatory Commission, Region II, ATTN: Materials Licensing Inspection Branch, in writing, that activities authorized by the license will be initiated.

Holley Brothers Construction
Company, Inc.

The NRC is required to file your Taxpayer Identification Number in order to make payments (refunds). A self-addressed, stamped NRC form titled "Request for Taxpayer Identification Number" is enclosed.

You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and requirements 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." NRC will take more serious consequences for employees and their employers who fail to comply with NRC requirements, promptly and without exception. Action will be taken against those who do not achieve the necessary attention to the required standard of compliance expected of all licensees.

Thank you for your cooperation.

171
David J. Collins, Director, Division
of Nuclear Regulation

Nuclear Regulatory Commission
Washington, D.C. 20545
Tel: 301-415-5000
Fax: 301-415-5001
www.nrc.gov

OFFICE	R11:DNMS	R11:DNMS	R11:DNMS							
SIGNATURE	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>							
NAME	DJCollins	M. Sser	Crosby							
DATE	8/ /98	8/ /98	8/ /98	8/ /98	8/ /98	8/ /98	8/ /98	8/ /98	8/ /98	8/ /98
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

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

June 22 1998, and to inform you that the initial processing which includes an administrative review has been performed

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 257995.
When calling to inquire about this action, please refer to this control number.
You may call me at 404-562-4723.

Sincerely,

Licensing Assistant

(FOR LFM USE)
INFORMATION FROM LFS

BETWEEN:

License Fee Management Branch, ARM
and
Regional Licensing Sections

Program Code _____
Status Code: 3 _____
Fee Category _____

Exp. Date: _____
Fee Comment: _____

Decom. Fin. Assur. Req'd _____

LICENSE FEE TRANSMITTAL

A. REGION II

1. APPLICATION ATTACHED

Applicant/Licensee: HOLLEY BROTHERS CONSTR. CO. INC.
Received Date: 980702
Docket No: 3031784
Control No.: 257996
License No: _____
Action Type: New Construction

2. RECEIPT ATTACHED

App. No: _____
Check No: 19457

3. COMMENTS

B. BILLING FOR MANAGED BY THE MANAGER OF THE REGIONAL LICENSING SECTION

C. Fee category and Amount: _____

Log	
Remitter	
Check No.	19457
Amount	3165
Fee Category	247P
Type of Fee	
Date Check Recd.	7/31/98
Date Cont. Recd.	
By: <i>Kear</i>	

2/3/98

REGISTRATION INFORMATION

BETWEEN

License Fee Management Branch A-M
and
Regional Licensing Sections

Application No. _____
Applicant Name _____
Control No. _____

Received Date _____
Docket No. _____

Control No. _____
License No. _____

LICENSE FEE TRANSMITTAL

A. REGION

1. APPLICATION AREA REF

Applicant Name: _____
Received Date: 980702
Docket No: 30347-4
Control No: 257005
License No: _____
Applicant Type: New

2. PAY AREA REF

Applicant Name: _____
Check No: 19421

HOLLEY BROTHERS CONSTRUCTION CO, INC

19421

PAY TO THE ORDER OF

U. S. Nuclear Regulatory Commission

June 16, 1998

Five hundred eighty-five dollars and _____

\$ 585.00

OHIO VALLEY BANK
GALLIPOLIS OHIO

HOLLEY BROTHERS CONSTRUCTION CO, INC

FOR Material License

Holley

⑈019421⑈ ⑈044204320⑈ 00 01 00 0

MERCANTILE BANK

Mercantile Bank of St. Louis N.A.
A Cash Management Service

QUALITY MEANS MEETING THE REQUIREMENTS. BOX 4514
SEC# 003 \$ 000016500 BR# 8 07-20-98 15 9

HOLLEY BROTHERS CONSTRUCTION CO., INC.
7200 STATE ST. 3RD FLOOR
CANTON, OH 44705

APPROX AMOUNT \$ 16500

DATE July 15, 1998

PAY TO THE ORDER OF *21.5 Nuclear Regulatory Commission*
the fund red. party. five dollars and - no/100

54 OHIO VALLEY BANK
GALLIPOLIS, OHIO

HOLLEY BROTHERS CONSTRUCTION CO. INC.

FOR #019459# @044204370: 00 0122 8#

#0000016500

LICENSE FEE REQUIREMENTS

ATTN: RITA MESSIER 301-415-6067
U.S. Nuclear Regulatory Commission
License Fee and Accounts Receivable Branch
P. O. Box 964674
St. Louis, MO 63196-4614

HOLLEY BROTHERS CONSTRUCTION COMPANY, INC.
ATTN: JACK WHITTAKER
GENERAL MANAGER
7398 STATE ROUTE 588
BOX C - 4
GALLIPOLIS, OHIO 45631

TYPE OF ACTION

- NEW LICENSE
- RENEWAL OF LICENSE
- AMENDMENT TO LICENSE

REQUESTED DATE

06/22/1998

LICENSE NUMBER

CONTROL NUMBER

257995

I. APPLICATION FEE DUE

Your request for a licensing action is subject to the fee(s) in the category(ies) noted below in accordance with Section 170.31 of 10 CFR Part 170. Payment of the fee is required prior to the issuance of the license, renewal, or amendment

FEE CATEGORY	APPLICATION	RENEWAL	AMENDMENT
3P	\$ 750.00	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

FEE(S) DUE \$ 750.00
PAYMENT RECEIVED \$ 585.00
AMOUNT DUE \$ 165.00

Your request was received without the prescribed application fee

We received your check listed below
19421 Check Number Payment of the additional fee noted above is required
\$ 585.00 Amount

Your request will increase the scope of your license program. Therefore, your request is subject to the application fee(s) noted above. Refer to Section 170.31 and Footnote 1(d)(2).

Your license expired prior to the receipt of your application for renewal. Therefore, your request is subject to the application fee(s) noted above. Refer to Section 170.31 and Footnote 1(a).

MAKE PAYMENT OF THE FEE(S) TO THE U.S. NUCLEAR REGULATORY COMMISSION AND MAIL THE PAYMENT TO THE ADDRESS LISTED AT THE TOP OF THIS FORM. IF WE DO NOT RECEIVE A REPLY FROM YOU WITHIN 30 CALENDAR DAYS FROM THE DATE LISTED BELOW, WE SHALL ASSUME THAT YOU DO NOT WISH TO PURSUE YOUR APPLICATION AND WILL VOID THIS ACTION.

SIGNATURE - LICENSE FEE ANALYST

RITA MESSIER

LFDCB

REMessier

7/9/98

LFDCB

Distribution:
OC/DAF/LFARB S/F (LF-3.2.7)
OC/DAF/LFARB RF
OC/DAF/R/F

Pending Cy

cc Region II

DATE

07/09/1998

II. FEE NOT REQUIRED

- Check Number: Enclosed is your check which accompanied your request. The fee is not required because.
- Check Number: We received your check listed in payment of the fee.
- Date of Request: The Licensing staff has informed us that your request is to be considered as a continuation of the request listed.
- Control Number: The Licensing staff has informed us that your request is to be considered as a continuation of the request listed.
- Date of Request: Your request was combined prior to review with the request listed.
- Control Number: Your request was combined prior to review with the request listed.

III. CHECK RETURNED

- Check Number: Enclosed is your check which was returned to us by the bank for INSUFFICIENT FUNDS.
- ACCOUNT CLOSED.
- OTHER.

MAIL THE REPLACEMENT CHECK TO THE ADDRESS LISTED AT THE TOP OF THIS FORM AND REFERENCE THE ABOVE CONTROL NUMBER.

IV. LICENSE ISSUED WITHOUT THE REQUIRED FEE

- License Number: The listed license was issued without the required fee being collected. The fee required is noted in Section I of this form.
- Amendment Number: The listed license was issued without the required fee being collected. The fee required is noted in Section I of this form.
- Date issued: The listed license was issued without the required fee being collected. The fee required is noted in Section I of this form.

The scope of your licensed program was increased. Therefore, your request is subject to the application fee(s) noted in Section I of this form. Refer to Section 170.31 and Footnote 1(d)(2).

Because of the urgency of your request, the license was issued without remittance of the prescribed fee noted in Section I of this form.

NRC FORM 313
(7-88)
10 CFR 30, 32, 33
34, 35, 39, 40 and 40

U. S. NUCLEAR REGULATORY COMMISSION

APPROVED BY OMB: NO. 3160-0120

EXPENSE 701489

APPLICATION FOR MATERIAL LICENSE

Estimated burden per response to comply with this information collection request: 7 hours. Submitting of the application is necessary to determine that the applicant is qualified and that adequate procedures exist to protect the public health and safety. Forward comments regarding burden estimate to the Information and Records Management Branch (7-4 P20), U.S. Nuclear Regulatory Commission, Washington, DC 20545-0501, and to the Paperwork Reduction Project (0190-0120), Office of Management and Budget, Washington, DC 20503. NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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:

DIVISION OF INDUSTRIAL AND MEDICAL NUCLEAR SAFETY
OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20545-0501

ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS:

IF YOU ARE LOCATED IN:

CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, PENNSYLVANIA, RHODE ISLAND, OR VERMONT, SEND APPLICATIONS TO:

LICENSING ASSISTANT SECTION
NUCLEAR MATERIALS SAFETY BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION I
475 ALLENDALE ROAD
HENS OF PRUSSIA, PA 19426-1415

ALABAMA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, PUERTO RICO, SOUTH CAROLINA, TENNESSEE, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA, SEND APPLICATIONS TO:

NUCLEAR MATERIALS LICENSING SECTION
U.S. NUCLEAR REGULATORY COMMISSION, REGION II
104 MARETTA STREET, NW, SUITE 2008
ATLANTA, GA 30326-0168

IF YOU ARE LOCATED IN:

ILLINOIS, INDIANA, IOWA, NEBRASKA, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND APPLICATIONS TO:

MATERIALS LICENSING SECTION
U.S. NUCLEAR REGULATORY COMMISSION, REGION III
801 WARRENVILLE RD.
LESLIE, IL 60130-4501

ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, HAWAII, IDAHO, KANSAS, LOUISIANA, 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 SECTION
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV
811 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TX 76011-6884

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.

<p>1. THIS IS AN APPLICATION FOR (Check appropriate item)</p> <p><input checked="" type="checkbox"/> A. NEW LICENSE</p> <p><input type="checkbox"/> B. AMENDMENT TO LICENSE NUMBER _____</p> <p><input type="checkbox"/> C. RENEWAL OF LICENSE NUMBER _____</p>	<p>2. NAME AND MAILING ADDRESS OF APPLICANT (Include Zip code)</p> <p>Holley Brother's Construction Company, Inc. 7398 State Route 588 Gallipolis, Ohio 45631</p>
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<p>3. ADDRESS(ES) WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED</p> <p>Holley Brother's Construction Company, Inc. 1402 C & O Dam Road Daniels, WV 25832 also: Licensed material will be used at temporary jobsites throughout the United States.</p>	<p>4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION</p> <p>John Lester Cox</p> <p>TELEPHONE NUMBER</p> <p>1 304 252 9050</p>
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11. WASTE MANAGEMENT

<p>5. RADIOACTIVE MATERIAL</p> <p>a. Shorthand and mass number, b. chemical and/or physical form, and c. maximum amount which will be possessed at any one time.</p>	<p>6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED</p>				
<p>7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING EXPERIENCE</p>	<p>8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS</p>				
<p>9. FACILITIES AND EQUIPMENT</p>	<p>10. RADIATION SAFETY PROGRAM</p>				
<p>11. WASTE MANAGEMENT</p>	<p>12. LICENSEE FEES (See 10 CFR 170 and Section 170.31)</p> <table border="1"> <tr> <td>FEE CATEGORY</td> <td>1 C</td> <td>AMOUNT ENCLOSED \$</td> <td>585.00</td> </tr> </table>	FEE CATEGORY	1 C	AMOUNT ENCLOSED \$	585.00
FEE CATEGORY	1 C	AMOUNT ENCLOSED \$	585.00		

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, 39, 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 28, 1949 (52 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.

<p>CERTIFYING OFFICER - TYPE/PRINTED NAME AND TITLE</p> <p>Jack Whittaker, General Manager</p>	<p>SIGNATURE</p> 	<p>DATE</p> <p>6-22-99</p>
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FOR NRC USE ONLY					
TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
			\$		
APPROVED BY				DATE	

Attachment

**Application For Material License
Response To Items 5 Through 11**

of

NRC FORM 313

ITEMS 5 & 6: MATERIALS TO BE POSSESSED AND PROPOSED USES.¹

RADIO NUCLIDE	SEALED SOURCE MANUFACTURER AND MODEL #	MAX. ACTIVITY PER SOURCE	PURPOSE(S) FOR MATERIAL USE
a. Cs-137	Troxler ¹ A-102112	9 mCi	Use in Troxler Model 3400 series gauges to measure the density of soils, aggregates, and construction materials
b. Am-241/Be	Troxler A-102451	44 mCi	Use in Troxler Model 3400 series gauges measuring hydrogen with relation to moisture content of construction & building materials

Holley Brother's Construction Co. Inc. will confine possession of licensed materials to quantities such that the applicable limits of 10 CFR 30.35(d) will not be exceeded.

ITEM 7: RADIATION SAFETY OFFICER AND GAUGE OPERATOR, TRAINING AND EXPERIENCE.

Personnel/Education	Training and experience
John L. Cox, BSEM, PE	W Va. Association/W Va. Dept. Of Highways Training in radiation safety nuclear gauge use in compaction testing on soils, aggregates, and asphaltic concrete pavement W V. DOH certification as compaction technician Troxler Electronic Laboratories Inc. Nuclear Gauge Operator Course and Radiation Safety Course

¹ Troxler Electronic Laboratories, Inc. 3008 Cornwallis Rd., P.O. Box 12057, Research Triangle Park, Durham, NC 27709

10/13

James Warren Houchins, HS Diploma	W.Va. Association/W.Va. Dept. Of Highways Training in radiation safety, nuclear gauge use in compaction testing on soils, aggregates, and asphaltic concrete pavement W.V. DOH certification as compaction technician Troxler Electronic Laboratories Inc. Nuclear Gauge Operator Course.
Future personnel	Before being named as the RSO, future RSOs will have successfully completed one of the training courses described in Criteria in the section entitled "Individual(s) Responsible for Radiation Safety Program and Their Training and Experience - Radiation Safety Officer" in NUREG-1556, Vol. 1, May 1997.

ITEM 8: TRAINING FOR INDIVIDUALS WORKING OR FREQUENTING RESTRICTED AREAS.

Before using licensed materials, authorized users will have successfully completed one of the training courses described in Criteria in the section entitled "Training for Individuals Working In or Frequenting Restricted Areas" in NUREG-1556 Vol. 1, dated May 1997 (or current regulation)

ITEM 9: FACILITIES AND EQUIPMENT.

Per NRC application guidelines, no specific response is made to this item. The key issues are addressed under "Radiation Safety Program - Public Dose" and "Radiation Safety Program - Operating and Emergency Procedures"

10.1 RADIATION SAFETY PROGRAM - AUDIT PROGRAM

Per NRC application guidelines, the audit program is not submitted to the NRC for review during the licensing phase

10.2 RADIATION SAFETY PROGRAM - TERMINATION OF ACTIVITIES

In the event the license is allowed to expire or at the time the licensee ceases operations, NRC Form 314 will be submitted

10.3 RADIATION SAFETY PROGRAM - SURVEY INSTRUMENTS

We will either possess and use, or have access to and use, a radiation survey meter that meets the Criteria in the section entitled "Radiation Safety Program - Instruments" in NUREG-1556 Vol. 1, dated May 1997. In the event of an incident

10.4 RADIATION SAFETY PROGRAM - MATERIAL RECEIPT AND ACCOUNTABILITY

Physical inventories will be conducted at intervals not to exceed 6 months to account for all sealed sources and devices received and possessed under the license

10.5 RADIATION SAFETY PROGRAM - OCCUPATIONAL DOSIMETRY

We will provide dosimetry processed and evaluated by a NVLAP-approved processor that is exchanged at a frequency recommended by the processor

10.6 RADIATION SAFETY PROGRAM - PUBLIC DOSE

The applicant is not required to and therefore does not elect to submit a response to the public dose section during the licensing phase. This matter will be addressed by selection of temporary and permanent storage locations so as to maintain the ALARA principle subject to NRC inspection

10.7 RADIATION SAFETY PROGRAM - OPERATING & EMERGENCY PROCEDURES

We will implement and maintain the operating and emergency procedures in Appendix H of NUREG-1556, Vol 1 dated May 1997, and provide copies of these procedures to all gauge users and at each job site

10.8 RADIATION SAFETY PROGRAM - LEAK TEST

Leak tests will be performed at intervals not to exceed 6 months
A Troxler Leak Test Kit 3880 will be used and the suppliers instructions will be followed when collecting the sample

Troxler Electronic Labs, Inc
P O Box 12057
Research Triangle Park, NC 27709

10.9 RADIATION SAFETY PROGRAM - MAINTENANCE, ROUTINE CLEANING & LUBRICATION

We will implement and maintain procedures for the maintenance of our gauges according to each manufacturer's recommendations and instructions

NON-ROUTINE MAINTENANCE

We will send the gauge to the manufacturer or other person authorized by NRC or an Agreement State to perform non-routine maintenance or repair operations that require the removal of the source or source rod from the gauge

10.10 RADIATION SAFETY PROGRAM - TRANSPORTATION

Holley Brothers Construction Co Inc will comply with current DOT (49CFR) regulations and will develop and implement procedures for complying with applicable DOT regulations.

11. WASTE MANAGEMENT - GAUGE DISPOSAL & TRANSFER

The licensee will develop, implement, and maintain gauge transfer and disposal procedures in its radiation protection program

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. Holley Brothers Construction Company, Inc.	3. License No. 47-25443-01
2. 115 Rose Hill Acres Scott Depot, West Virginia 25560	4. Expiration date: August 31, 2008
	5. Docket No. 030-34784

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 registered either with NRC under 10 CFR 32.210 or with an Agreement State and incorporated in a compatible gauging device. (Troxler Model A-10112)	A. Not to exceed 333 megabecquerels (MBq) (9 millicuries) per source
B. Americium-241	B. Sealed neutron sources registered either with NRC under 10 CFR 32.210 or with an Agreement State and incorporated in a compatible gauging device (Troxler Model A-102451)	B. Not to exceed 1.628 gigabecquerels (GBq) (44 millicuries) per source

9. Authorized use

A. and B. To be used, for measurement purposes, in compatible portable Troxler Electronic Laboratories, Inc. 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

9809140048 980826
PDR ADOCK 03034784
C PDR

ML 20

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License No. 47-25443-01

Docket No. 030-34784

CONDITIONS

10. Licensed material may be used or stored at the licensee's facilities located at 1402 C&O Dam Road, Daniels, 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.
11. Licensed material shall only be used by, or under the supervision and in the physical presence of, John L. Cox, or individuals who have the training described in the NUREG 1556
12. A. The Radiation Safety Officer (RSO) for this license is John L. Cox
- B. Before assuming the duties and responsibilities as RSO for this license and before obtaining licensed material, the named RSO shall have successfully completed one of the training courses described in Section 8.8 of NUREG-1556, Volume 1, dated May 1997.
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 referred to in 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 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 (Bq) (0.005 microcurie) of radioactive material on the test sample. If the test reveals the presence of 185 Bq (0.005 microcurie) 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, ATTN: Director, Division of Nuclear Materials Safety. The report shall specify the source involved, the test results, and corrective action taken.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License No. 47-25443-01

Docket No. 030-34784

13. E. Tests for 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.
14. Sealed sources or source rods containing licensed material shall not be opened or sources removed from or detached from source rods or gauges by the licensee, except as specifically authorized.
15. 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.
16. 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.
17. 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.
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 Commission or an Agreement State to perform such services.
19. 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."
20. The licensee may not possess and use materials authorized in Items 6, 7, and 8, until
- A. The licensee has constructed the facilities and obtained the equipment described in the application and supporting documentation, and
 - B. The licensee has notified the U.S. Nuclear Regulatory Commission, Region II, Suite 23T85, 61 Forsyth Street SW, Atlanta, GA 30303, that activities authorized by the license will be initiated.
21. In accordance with the requirements set forth in 10 CFR 30.36(d), the licensee shall notify the Nuclear Regulatory Commission, Region II, Suite 23T85, 61 Forsyth Street SW, Atlanta, GA 30303, in writing, of a decision not to complete the facility, acquire equipment, or possess and use authorized material

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License No. 47-25443-01

Docket No. 030-34784

22. 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 30.60(b)(2) and (c). The licensee shall not abandon the sealed source or probe without obtaining the Commission's prior written consent.

23. 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.

24. Except as specifically provide 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. Applications date June 22, 1998

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

DAVID J. COLLINS

Date AUG 26 1998

By

David J. Collins

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

2/26/98