REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

March 31, 2009

Docket No. 03032382 License No. 45-25155-01
Control No. 143261

Barry W. Bass
Radiation Safety Officer
Asphalt Roads & Materials Co., Inc.
4901 Cleveland Street, Suite 2
P.O. Box 62423
Virginia Beach, VA 23462

SUBJECT: ASPHALT ROADS & MATERIALS CO., INC., LICENSE AMENDMENT, CONTROL NO. 143261

Dear Mr. Bass:

By letter dated November 25, 2008, we informed you of the impending Agreement between the U.S. Nuclear Regulatory Commission (NRC) and the Commonwealth of Virginia, whereby, the NRC will relinquish regulatory authority for certain licenses of byproduct, source, and special nuclear material. We also explained that your NRC license, which authorized licensed activities in Virginia and at temporary job sites anywhere in the United States where the NRC maintains jurisdiction (non-Agreement States), required an amendment prior to the transfer. This action is necessary since authorization to conduct licensed activities at temporary job sites in NRC-regulated states will no longer be valid once the Agreement is signed and Virginia assumes regulatory authority.

On January 26, 2009, you informed the NRC that you did not wish to continue the use of licensed material in States that are under NRC jurisdiction. Therefore, your current NRC license has been amended to remove all locations of use and/or storage in non-Agreement States, leaving all other locations (including temporary job sites, if applicable) which authorize work activities in the Commonwealth of Virginia. Enclosed with this letter is the amended license authorizing work activities only in the Commonwealth of Virginia. The license will eventually be converted to a Commonwealth of Virginia license at the time of the next amendment, renewal, or as determined by the Commonwealth.

After the Agreement is effective, you may conduct work at temporary job sites in non-Agreement States pursuant to 10 CFR 150.20 (i.e., reciprocity). However, please be aware that reciprocity is only allowed for a maximum of 180 days in any calendar year and you are required to file NRC Form 241 for reciprocity with the NRC whenever your work brings you into NRC jurisdiction, or into areas of Exclusive Federal Jurisdiction within an Agreement State. The current application fee for reciprocity is $1,400 per calendar year.

Please review the enclosed document carefully and be sure that you understand and fully implement all the conditions incorporated into the amended license. If there are any errors or questions, please notify Michael Welling at the Virginia Department of Health, Division of Radiological Health at (804) 864-8151.

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14).

Thank you for your cooperation.

Sincerely,

***Original signed by Tara L. Weidner***

Tara L. Weidner
Health Physicist
Medical Branch
Division of Nuclear Materials Safety

Enclosure:
Amendment No. 3

DOCUMENT NAME: G:\WordDocs\Current\Lic Cvr Letter\L45-25155-01.143261.doc

**SUNSI Review Complete:** SHammann

After declaring this document "An Official Agency Record" it **will** be released to the Public.

**To receive a copy of this document, indicate in the box:** "**C**" = Copy w/o attach/encl "**E**" = Copy w/ attach/encl "**N**" = No copy

| OFFICE | DNMS/RI | N | DNMS/RI | N | DNMS/RI | | | |
|---|---|---|---|---|---|---|---|---|
| NAME | SHammann/STH | | TWeidner/TLW | | | | | |
| DATE | 3/16/2009 | | 3/16/2009 | | | | | |

OFFICIAL RECORD COPY