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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

SEP 01 2010

Ed Hoffman
Radiation Safety Officer
Lash Excavating and Paving
P.O. Box 296
Colerain, OH 43916

Dear Mr. Hoffman:

Enclosed is Amendment No. 01 renewing your NRC Material License No. 34-26487-02 in accordance with your request. Please note that the changes made to your license are printed in **bold font**. **Please also note that your license has been renewed for an abbreviated term and will not expire until December 31, 2010. However, as noted below, we are requesting that you submit a renewal in entirety at your earliest convenience.**

Please review the enclosed document carefully and be sure that you understand all conditions. If you have any questions concerning this amendment, please contact me at either (800) 522-3025, ext. 9752 or (630) 829-9752. My fax number is (630) 515-1078.

This also refers to the telephone conversations between David Lash, Michael Herr, and Colleen Casey on July 30, 2010, and to the telephone conversation between Colleen Casey and you on August 12, 2010, concerning the renewal of your NRC Byproduct Materials License No. 24-26487-01.

During our review of your facsimile letter dated March 2, 2010, it appeared that your application had not been prepared in accordance with the guidance in NUREG 1556, Vol. 1, Rev. 1, "Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Portable Gauge Licenses." This omission has resulted in an incomplete application and we will need you to resubmit your application for renewal in entirety now.

The NUREG previously mentioned needs to be reviewed to ensure you understand the commitments that you will be making in your responses, as discussed below, to Appendix B of this NUREG. Using Appendix B is the simplest way to prepare your renewal and helps to ensure a more complete application.

The enclosed document contains sensitive security-related information.
When separated from this cover letter this letter is uncontrolled.

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Please refer to NUREG 1556, Vol.1, Rev. 1 available at our website at:

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v1/r1/>

You should already have a hard copy of this NUREG but we are advising you of the website availability of this NUREG also.

Appendix A of NUREG 1556, Vol. 1, contains an NRC Form 313 that can be used to capture Items 1-4 on the form itself. Appendix B can be used to capture the information required in Item 5-11 of NRC Form 313, focusing on the responses and commitments in Appendix B.

Please note that certain sections of this NUREG have been modified since its last revision, as noted below:

We now require a total possession limit for each radionuclide requested, as well as providing the "per source" activity you need, which should match the Sealed Source and Device Registry certificate procured by the vendor. Please provide this information and note that it is acceptable to request more sealed sources than you may actually need immediately, to allow for some growth, so long as the request is reasonable and realistic.

You will not be able to change and name your RSO internally; NRC must do that for you via the amendment process. For future reference only, please include the name and qualifications of your proposed RSO and a written, signed and dated statement that stipulates your proposed RSO accepts the RSO position and understands the duties and responsibilities associated with the position. Each proposed RSO must be qualified in accordance with the guidance in NUREG 1556, Vol. 1, Rev. 1, Section 8.7, Item 7: Individual(s) Responsible for Radiation Safety Program and Their Training and Experience.

Please note that, at this time, we updated your license to include new Condition No. 13.F, and updated Condition Nos. 13.D and 19. These changes should enhance your awareness of regulatory requirements and the radiation safety program elements in your license.

Upon receipt of your response we will resume our review and consider your renewal for the more usual "ten-year term." Address your written response to my attention at the above address and please be sure to reference Control No. 318899 to facilitate proper handling in our office. As a reminder, please provide the information requested in writing, accompanied by a transmittal letter or Form NRC 313 that is appropriately dated and signed by a senior management official.

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NRC's Regulatory Issue Summary (RIS) 2005-31 provides criteria to identify security-related sensitive information and guidance for handling and marking of such documents. This ensures that potentially sensitive information is not made publicly available through ADAMS, the NRC's electronic document system.

Pursuant to NRC's RIS 2005-31 and in accordance with 10 CFR 2.390, the enclosed license document is exempt from public disclosure because its disclosure to unauthorized individuals could present a security vulnerability.

The RIS may be located on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/ri200531.pdf> and the link for frequently asked questions regarding protection of security related sensitive information may be located at: <http://www.nrc.gov/reading-rm/sensitive-info/faq.html>.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,



Michael G. Herr, CHP
Materials Licensing Branch

License No. 34-26487-02
Docket No. 030-35324

Enclosure:

Amendment No. 01