



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD – SUITE 102
KING OF PRUSSIA, PA 19406-1415

February 22, 2024

Brian Conrad, Jr., Chief Operating Officer
Lee Hy Construction, LLC
For Lee Hy Paving Corporation
P.O. Box 5036
Glen Allen, Virginia 23058

SUBJECT: LEE HY CONSTRUCTION, LLC, REQUEST FOR ADDITIONAL INFORMATION,
MAIL CONTROL NO. 637752


Dear Mr. Conrad:

This is in reference to your application dated October 27, 2023, requesting to renew NRC License No. 45-24958-01. In order to continue our review, we need additional information. Please use NUREG 1556, Vol 1, Rev. 2 *Program-Specific Guidance About Portable Gauge Licenses* section 8 “Contents of an Application” and Appendix B “Suggested Format for Providing Information Requested in Items 5 Through 11 of U.S. NRC Form 313” to provide the information requested. A link to that document is <https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v1/index.html>

1. Please confirm that the NRC license is for use at temporary job sites in NRC jurisdiction.
2. In accordance with NUREG 1556, Vol 1, Rev. 2, Section 8.10.2 “Radiation Monitoring Instruments” provide the following:
 - a. The statement “We will either possess and use, or have access to and use, a radiation survey meter that meets the criteria in the section titled “Radiation Safety Program – Radiation Monitoring Instruments” in NUREG-1556, Vol. 1, Rev. 2” in the event of an incident” **OR**
 - b. Submit a description of an alternative procedure for determining source integrity after an incident involving the gauge.
3. In accordance with NUREG 1556, Vol 1, Rev. 2, Section 8.10.3 “Material Receipt and Accountability” confirm that:
 - a. “Physical inventories will be conducted every 6 months or at other intervals approved by the NRC to account for all sealed sources and devices received and possessed under the license” **AND**
 - b. “We will develop, implement, and maintain procedures for ensuring accountability of license materials at all times.”

4. In accordance with NUREG 1556, Vol 1, Rev. 2, Section 8.10.4 “Occupational Dose” confirm that you will be using a NVLAP-approved processor for personnel dosimetry.
5. In accordance with NUREG 1556, Vol 1, Rev. 2, Section 8.10.6 “Operating, Emergency, and Security Procedures” confirm that either:
 - a. “We will implement and maintain the operating, emergency, and security procedures in Appendix G to NUREG–1556, Volume 1, Revision 2, Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Portable Gauge Licenses.” Copies of these procedures will be provided to all gauge users and will be available at each jobsite.” **OR**
 - b. “Operating, emergency, and security procedures will be developed, implemented, and maintained and will meet the criteria in section 8.10.6, “Radiation Safety Program—Operating, Emergency, and Security Procedures,” NUREG–1556, Volume 1, Revision 2, “Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Portable Gauge Licenses.” Copies of these procedures will be provided to all gauge users and will be available at each jobsite.” **OR**
 - c. Provide alternative procedures for review and the statement, “Copies of these procedures will be provided to all gauge users and will be available at each jobsite.”
6. In accordance with NUREG 1556, Vol 1, Rev. 2, Section 8.10.7 “Leak Tests,” confirm that either:
 - a. “Leak tests will be performed at intervals approved by the NRC or an Agreement State and specified in the Sealed Source and Device registration certificate. Leak tests will be performed by an organization licensed by the NRC or an Agreement State to provide leak testing services to other licensees; or by using a leak test sample collection kit supplied by an organization licensed by the NRC or an Agreement State to provide leak test kits and/or sample analysis services to other licensees and according to the kit supplier’s instructions. Records of leak test results will be maintained.” **OR**
 - b. Provide alternative information if you plan to perform and analyze leak test results yourself.
7. In accordance with NUREG 1556, Vol 1, Rev. 2, Section 8.10.8 “Maintenance,” confirm the following:
 - a. Either state that “We will implement and maintain procedures for routine maintenance of our gauges according to each manufacturer’s written recommendations and instructions; **OR** submit alternative procedures for review.
 - b. Either submit the statement “The gauge manufacturer, or other persons licensed by the NRC or an Agreement State will perform nonroutine maintenance or repair

operations that require detaching the source or source rod from the gauge;" **OR** request to perform non-routine work "in-house", providing the information in Appendix F of NUREG 1556, Volume 1, Rev. 2.

 We will continue our review upon receipt of this information. In order to continue prompt review of your application, we request that you submit your response to this letter within 30 calendar days from the date of this letter. A pdf of a signed letter in response may be sent by electronic mail directly to me at elizabeth.ullrich@nrc.gov.

An electronic version of the NRC's regulations is available on the NRC Web Site at: www.nrc.gov. Additional information regarding use of radioactive materials may be obtained on the NRC Web Site at: <http://www.nrc.gov/materials/miau/mat-toolkits.html>. This site also provides the link to the toolbox for updated information on the revised regulations for naturally-occurring and accelerator-produced radioactive materials (NARM).

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web Site at: <http://www.nrc.gov/reading-rm/adams.html>. Please be aware that you may request that certain portions of your submittal to NRC be withheld from public disclosure as proprietary information. To do this, you must execute an affidavit as specified in 10 CFR 2.390. You must list all portions that you wish to be held proprietary, along with your reasoning as to why that is appropriate. While it is allowable, please refrain from submitting proprietary information in support of a license unless necessary. Keep in mind that all NRC licenses are considered to be in the public domain, and therefore may be viewed by any member of the public who requests to see them.

If you have any questions regarding this request for additional information, please contact me at 610-337-5040 or by electronic mail at elizabeth.ullrich@nrc.gov.

Thank you for your cooperation.

Sincerely,

Betsy Ullrich, Senior Health Physicist
Commercial, Industrial, R&D
and Academic Branch
Division of Radiological Safety and Security
Region I

License No. 45-24958-01
Docket No. 030-30308
Mail Control No. 637752

cc: Mark Condrey, General Superintendent/RSO

LEE HY CONSTRUCTION, LLC, REQUEST FOR ADDITIONAL INFORMATION, MAIL CONTROL NO. 637752 DATED FEBRUARY 22, 2024

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SUNSI Review Complete: Misty Liverett / Betsy Ullrich

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NAME	M. Liverett		E. Ullrich					
DATE	02/22/2024		2/22/24					

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