

Martin Marietta Magnesia Specialties



1800 Eastlake Road
Manistee MI 49660
Phone 231.723.1262
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December 28, 2010

Materials Licensing Branch
U.S. Nuclear Regulatory Commission, Region III
2443 Warrenville Road, Suite 210
Lisle, IL 60532-4352

Dear Reviewer:

Martin Marietta has received notice of expiration of the license applying to the use of nuclear sealed source gauging devices utilized in our plant. This notice is in regard to our License No. 21-12986-01, which expires March 31, 2011. In order to simplify the license renewal procedure, we wish to utilize the alternative to submit only essential information for your review.

The NRC regulations have been reviewed and our program meets the applicable requirements. Please find a copy of NRC form 313, Application for Materials License enclosed. No changes have been made to our program.

Martin Marietta contends that use of the licensed material is in adherence to all regulations and conditions of the existing license. We respectfully request that your office renew our license.

Sincerely,

Keary Schulz
Radiation Protection Officer

RECEIVED JAN 25 2011

(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, 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
☒ C. RENEWAL OF LICENSE NUMBER

21-12986-01

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

Martin Marietta Magnesia Specialties
1800 East Lake Rd.
Manistee, MI 49660

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

Martin Marietta Magnesia Specialties
1800 East Lake Rd.
Manistee, MI 49660

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

Keary Schultz

TELEPHONE NUMBER

231-723-1262

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 - 0 - AMOUNT
ENCLOSED \$ 0.00

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, 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

Keary Schultz RSO

SIGNATURE

Keary Schultz

DATE

1-21-11

FOR NRC USE ONLY

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

APPROVED BY

DATE

- 5a-1 Cesium-137
- 5a-2 Cesium-137

- 5b-1 Sealed Sources (Texas Nuclear Model 570-57157C)
- 5b-2 Sealed Sources (Texas Nuclear Model 570-57157C)

- 5c-1 4 sources not to exceed 200 millicuries each.
- 5c-2 4 sources not to exceed 200 millicuries each.

- 6-1 To be used in Texas Nuclear Models 5182A and 5179A source holder for level measurements to control the level in a shaft kiln.
- 6-2 To be used in Texas Nuclear Models 5192 and 5179A source holder for level measurements to control the level in a shaft kiln.

- 7. Individuals(s) Responsible for Radiation Safety Program and Their Training Experience:
 - 7.1 Keary Schulz, RSO – Completed 3 day Radiation Safety Seminar
Presented By Engelhardt & Associates, Inc
Madison, WI
Completed June 10, 2005
 - 7.2 Authorized Users
Tom Greve, Safety Engineer – Updated training with RSO 12-2010. This training met the criteria described in NUREG-1556, Vol. 4 dated October 1998.

- 8 Not Required

- 9 Facilities and Equipment – We will ensure that the location of each fixed gauge meets the Criteria in the section entitled “Facilities and Equipment” in NUREG-1556, Vol4 Consolidated Guidance about Fixed Gauge Licenses, Dated October 1998.

- 10 Radiation Safety Program – Survey Instruments – We will use instruments that meet the Criteria in the section entitled “Radiation Safety Program – Instruments” in NUREG-1556 Vol. 4, ‘Consolidated Guidance about Materials Licenses: dated October 1998. Each survey meter will be calibrated by the manufacturer or other person authorized by the NRC to perform survey meter calibrations.

Radiation Safety Program – Material Receipt and Accountability – Physical inventories will be conducted at intervals not to exceed 6 months or at other intervals approved by the NRC to account for all sealed sources and devices received and possessed under the license.

Radiation Safety Program Occupational Dosimetry – We will perform a prospective evaluation demonstrating that unmonitored individuals are not likely to receive, in one year, a radiation dose in excess of 10% of the allowable limits in 10 CFR Part 20 or we will provide dosimetry that meets the Criteria in the section entitled “Radiation safety Program – Occupational Dosimetry”, in NUREG-1556, Vol. 4 dated October 1998.

Radiation Safety Program – Operating & Emergency Procedures – Operating and emergency procedures will be developed, implemented, maintained, distributed and will meet the Criteria in the section entitled “Radiation Safety Program Emergency Procedures.” In NUREG-1556 Vol. 4 dated October 1998.

Radiation Safety Program Leak Test – 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 authorized by the NRC or an Agreement State to provide leak testing services for other licensees, or using a leak test kit supplied by an organization authorized by NRC or an Agreement State, to provide leak test kits to other licensees and according to the kit suppliers instructions. Records of leak test results will be maintained.

Radiation Safety Program Maintenance – We will implement and maintain procedures for routine maintenance of our fixed gauges according to each manufacturer’s or distributor’s written recommendations and instructions.

Radiation Safety Program – Fixed Gauges Used at Temporary Job Sites – This is not applicable to our program. We will not use fixed gauges at temporary job sites.



**Martin Marietta
Magnesia Specialties**



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