

Hill, Carol

From: Jim Trudeau [jtrudeau@fmgengineering.com]
Sent: Friday, January 13, 2012 9:54 AM
To: Hill, Carol
Cc: Roldan, Lizette
Subject: FMG, Inc. - NRC License 40-26818-01 Renewal Request
Attachments: NRCRenew2012.jjt.pdf

RR

RECEIVED

JAN 17 2012

Dear Mrs. Hill:

DNMS

Attached, please find our request to renew FMG's NRC Materials License 40-26818-01.

If you should have any questions or need additional information please contact me at FMG, Inc. Thank you.

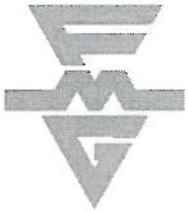
Jim Trudeau



FMG Engineering

3700 Sturgis Road
Rapid City, South Dakota 57702
605.342.4105 (ext. 227)
jtrudeau@fmgengineering.com
www.fmgengineering.com

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FMG, INC. 3700 Sturgis Road, Rapid City, South Dakota 57702-0317 605/342-4105
FAX 605/342-4222

January 12, 2012

RECEIVED

JAN 17 2012

Nuclear Materials Licensing Section
U.S. Nuclear Regulatory Commission, Region IV
1600 E. Lamar Blvd., Suite 400
Arlington, TX 76011-4511

DNMS

Re: Request for Renewal of Materials License
NRC Material License #40-26818-01

To Whom It May Concern:

Enclosed, please find a request for renewal of FMG's NRC Materials License #40-26818-01. We have filed this renewal request according to the recommended format in NUREG-1556, Vol. 1, Rev. 1, "*Consolidated Guidance About Materials Licenses*," dated November, 2001. Enclosed, please find NRC Form 313 and attached information.

If you have any questions or need anything additional, please contact me at your earliest convenience.


Sincerely,

FMG, Inc.

James J. Trudeau

Enclosures

C: FMG's NRC License File
Geotechnical/Administrative/Troxler Gauges/2010LicenseRenewal/NRCRenew2012.jjt

NRC FORM 313 <small>(8-1989) 10 CFR 30.32, 33 34, 35, 36, 38 and 40</small>	U. S. NUCLEAR REGULATORY COMMISSION APPLICATION FOR MATERIAL LICENSE	APPROVED BY OMB: NO. 3150-0120 EXPIRES 08/31/2002	<p>Estimated burden per response to comply with this mandatory information collection request is 7.4 hours. Submit all of this 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 Management Branch (7-0 E6), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to rs1@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, MED-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, NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.</p>		
<p>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.</p>					
<p>APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:</p> <p>DIVISION OF INDUSTRIAL AND MEDICAL NUCLEAR SAFETY OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS U.S. NUCLEAR REGULATORY COMMISSION WASHINGTON, DC 20555-0001</p> <p>ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS:</p> <p>IF YOU ARE LOCATED IN:</p> <p>CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, PENNSYLVANIA, RHODE ISLAND, OR VERMONT, SEND APPLICATIONS TO:</p> <p>LICENSING ASSISTANT SECTION NUCLEAR MATERIALS SAFETY BRANCH U.S. NUCLEAR REGULATORY COMMISSION, REGION I 475 ALLENDALE ROAD KING OF PRUSSIA, PA 19406-1415</p> <p>ALABAMA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, PUERTO RICO, SOUTH CAROLINA, TENNESSEE, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA, SEND APPLICATIONS TO:</p> <p>SAM NUNN ATLANTA FEDERAL CENTER U. S. NUCLEAR REGULATORY COMMISSION, REGION II 61 FORTYTH STREET, S.W., SUITE 23185 ATLANTA, GEORGIA 30303 6931</p>		<p>IF YOU ARE LOCATED IN:</p> <p>ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND APPLICATIONS TO:</p> <p>MATERIALS LICENSING SECTION U.S. NUCLEAR REGULATORY COMMISSION, REGION III 801 WARRENVILLE RD LISLE, IL 60532-4351</p> <p>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:</p> <p>NUCLEAR MATERIALS LICENSING SECTION U.S. NUCLEAR REGULATORY COMMISSION, REGION IV 611 RYAN PLAZA DRIVE, SUITE 400 ARLINGTON, TX 76011-8064</p>			
<p>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>					
<p>1 THIS IS AN APPLICATION FOR (Check appropriate item)</p> <p><input type="checkbox"/> A. NEW LICENSE <input type="checkbox"/> B. AMENDMENT TO LICENSE NUMBER <u>40-26818-01</u> <input checked="" type="checkbox"/> C. RENEWAL OF LICENSE NUMBER <u>40-26818-01</u></p>		<p>2 NAME AND MAILING ADDRESS OF APPLICANT (Include Zip code)</p> <p>FMG, Inc. 3700 Sturgis Road Rapid City, SD 57702</p>			
<p>3 ADDRESSES WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED</p> <p>At FMG, Inc., 3700 Sturgis Road, Rapid City, SD and at temporary job sites anywhere in the United States where the NRC maintains jurisdiction.</p>		<p>4 NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION James J. Trudeau</p> <p>TELEPHONE NUMBER (605)-342-4105</p>			
<p>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.</p>					
<p>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.</p>		<p>8. 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>9. 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" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">FEE CATEGORY N/A</td> <td style="width:50%;">AMOUNT ENCLOSED \$ 0.00</td> </tr> </table>		FEE CATEGORY N/A	AMOUNT ENCLOSED \$ 0.00
FEE CATEGORY N/A	AMOUNT ENCLOSED \$ 0.00				
<p>13. CERTIFICATION (Must be completed by applicant) THE APPLICANT UNDERSTANDS THAT ALL STATEMENTS AND REPRESENTATIONS MADE IN THIS APPLICATION ARE BINDING UPON THE APPLICANT.</p> <p>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, 38 AND 40, AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF.</p> <p>WARNING: 18 U.S.C. SECTION 1001 ACT OF JUNE 25, 1948 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>					
<p>CERTIFYING OFFICER - TYPED/PRINTED NAME AND TITLE James J. Trudeau, RSO</p>		<p>SIGNATURE </p> <p>DATE 1/12/12</p>			
<p>FOR NRC USE ONLY</p>					
<p>TYPE OF FEE</p>	<p>FEE LOG</p>	<p>FEE CATEGORY</p>	<p>AMOUNT RECEIVED \$</p>		
<p>APPROVED BY</p>		<p>CHECK NUMBER</p>	<p>COMMENTS</p>		
<p>DATE</p>		<p>DATE</p>			

ITEM 1: ACTION TYPE

ACTION TYPE: <input type="checkbox"/> New <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Renewal	ADMINISTRATIVE REVIEW: <input type="checkbox"/> Current Guidance Used: <input type="checkbox"/> References in Application Based On Current Regulations
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ITEM 2: LEGAL IDENTITY

NAME:	FMG, Inc.
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ITEM 2 & 3: ADDRESS

STORAGE & LOCATION OF USE FMG, Inc. 3700 Sturgis Road Rapid City, SD 57702	MAILING ADDRESS FMG, Inc. 3700 Sturgis Road Rapid City, SD 57702
Temporary Job Sites <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

ITEM 4: PERSON TO BE CONTACTED ABOUT THIS APPLICATION

CONTACT PERSON:	James J. Trudeau, RSO
TELEPHONE:	(605) 342-4105

ITEMS 5 AND 6: MATERIALS TO BE POSSESSED AND PROPOSED USES

Yes	No	Radioisotope	Manufacturer or Distributor Model No.	Quantity	Use As Listed on SSD Certificate	Specify Other Uses Not Listed on SSD Certificate
X		Cesium-137	Sealed source manufacturer or distributor and model number: <u>Troxler/3430</u> Device manufacturer or distributor and model number: _____	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input checked="" type="checkbox"/> Specific description of the gauge use: <u>Measure</u> <u>physical</u> <u>properties</u> <u>of materials</u> _____ _____ _____	<input checked="" type="checkbox"/> Not applicable _____ <input type="checkbox"/> Uses are: _____ (Submit safety analysis supporting safe use)
X		Americium-241	Sealed source manufacturer or distributor and model number: <u>Troxler/3430</u> Device manufacturer or distributor and model number: _____	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input checked="" type="checkbox"/> Specific description of the gauge use: <u>Measure</u> <u>physical</u> <u>properties</u> <u>of materials</u> _____ _____ _____	<input checked="" type="checkbox"/> Not applicable _____ <input type="checkbox"/> Uses are: _____ (Submit safety analysis supporting safe use)

APPENDIX B

Yes	No	Radioisotope	Manufacturer or Distributor Model No.	Quantity	Use As Listed on SSD Certificate	Specify Other Uses Not Listed on SSD Certificate
	X	Californium-252	Sealed source manufacturer or distributor and model number: _____ Device manufacturer or distributor and model number: _____	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input type="checkbox"/> Specific description of the gauge use: _____ _____ _____ _____ _____	<input checked="" type="checkbox"/> Not applicable _____ <input type="checkbox"/> Uses are: _____ (Submit safety analysis supporting safe use)
	X	Other Isotope (Specify):	Sealed source manufacturer or distributor and model number: _____ Device manufacturer or distributor and model number: _____	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input type="checkbox"/> Specific description of the gauge use: _____ _____	<input checked="" type="checkbox"/> Not applicable _____ <input type="checkbox"/> Uses are: _____ (Submit safety analysis supporting safe use)
<i>Financial Assurance Required and Evidence of Financial Assurance Provided</i>						

ITEMS 7 THROUGH 11: TRAINING AND EXPERIENCE, FACILITIES AND EQUIPMENT, RADIATION SAFETY PROGRAM, AND WASTE DISPOSAL

Item No. And Title	Suggested Response	Yes	Alternative Procedures Attached
7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING AND EXPERIENCE – RADIATION SAFETY OFFICER Name: <u>James J. Trudeau</u>	Before obtaining licensed materials, the proposed RSO 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, Rev. 1, dated November 2001.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS	Before using licensed materials, authorized users will have successfully completed one of the training course described in Criteria in the section entitled "Training for Individuals Working In or Frequenting Restricted Areas" in NUREG-1556, Vol. 1, Rev 1, dated November 2001.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. FACILITIES AND EQUIPMENT	No information needs to be submitted in response to this item; key issues are addressed under "Radiation Safety Program – Public Dose" and "Radiation Safety Program – Operating and Emergency Procedures."	Separate Item 9 Response Need Not Be Submitted With Application	
10. RADIATION SAFETY PROGRAM – AUDIT PROGRAM	The applicant is <i>not</i> required to, and should not, submit its audit program to NRC for review during the licensing phase.	Need Not Be Submitted With Application	
10. RADIATION SAFETY PROGRAM – TERMINATION OF ACTIVITIES	The applicant is <i>not</i> required to submit a response to the termination of activities section during the initial application. However, when the license expires when the licensee ceases operation, NRC Form 314 must be submitted.	Need Not Be Submitted With Application	
10. 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, Rev. 1, dated November 2001.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

APPENDIX B

Item No. And Title	Suggested Response	Yes	Alternative Procedures Attached
10. 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. RADIATION SAFETY PROGRAM – OCCUPATIONAL DOSIMETRY	Either we will maintain, for inspection by NRC, documentation demonstrating that unmonitored individuals are not likely to receive a radiation dose in excess of 10 percent of the allowable limits in 10 CFR Part 20, or we will provide dosimetry processed and evaluated by an NVLAP-approved processor that is exchanged at a frequency recommended by the processor.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. RADIATION SAFETY PROGRAM – PUBLIC DOSE	The applicant is <i>not</i> required to submit a response to the public dose section during the licensing phase. This matter will be examined during an inspection.	Need Not Be Submitted With Application	
10. RADIATION SAFETY PROGRAM – OPERATING AND EMERGENCY PROCEDURES	We will implement and maintain the operating, emergency and security procedures in Errata: Appendix H of NUREG-1556, Vol. 1, Rev. 1, Dated November 2001, and provide copies of these procedures to all gauge users and at each job site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	OR Operating and emergency procedures will be developed, implemented, and maintained and will meet the criteria in the section entitled "Radiation Safety Program – Operating and Emergency Procedures" in NUREG-1556, Vol. 1, Rev. 1, dated November 2001.	<input type="checkbox"/>	
10. RADIATION SAFETY PROGRAM – LEAK TEST	Leak tests will be performed at intervals approved by NRC or an Agreement State and specified in the Sealed Source and Device Registration Sheet. Leak tests will be performed by an organization authorized by 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 supplier's instructions.	<input checked="" type="checkbox"/>	<input type="checkbox"/> The information in Appendix J supporting a request to perform leak testing and sample analysis is attached.

Item No. And Title	Suggested Response	Yes	Alternative Procedures Attached
10. RADIATION SAFETY PROGRAM – MAINTENANCE	<i>Routine Cleaning and Lubrication</i> We will implement and maintain procedures for routine maintenance of our gauges according to each manufacturer's recommendations and instructions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<i>Non-Routine Maintenance</i> 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/> The information listed in Appendix G supporting a request to perform non-routine maintenance in-house is attached.
10. RADIATION SAFETY PROGRAM – TRANSPORTATION	The applicant is <i>not</i> required to submit its response to transportation during the licensing process. However, this issue will be reviewed during inspection.	Need Not Be Submitted With Application	
11. WASTE MANAGEMENT – GAUGE DISPOSAL AND TRANSFER	The applicant is <i>not</i> required to submit a response to waste management during the licensing process. However, the licensee should develop, implement, and maintain gauge transfer and disposal procedures in its radiation protection program.	Need Not Be Submitted With Application	



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BLVD
ARLINGTON, TEXAS 76011-4511

January 17, 2012

FMG, Inc.
ATTN: James J. Trudeau
Radiation Safety Officer
3700 Sturgis Road
Rapid City, South Dakota 57702-0317

SUBJECT: DEEMED TIMELY LETTER

We acknowledge receipt of your application dated January 12, 2012, requesting your byproduct materials license be renewed. Your application is deemed timely filed and, accordingly, the license will not expire until final action has been taken by this office.

We have completed a preliminary review of your submittal. This review was cursory in nature and should not be considered a complete technical review. A complete technical review of the submitted information will be conducted within 180 days.

Any correspondence regarding this application should reference the identifying numbers specified below. If you have questions or require clarification on any of the information stated above, we encourage you to contact us at (817) 200-1140. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, reading "Carol L. Hill", is written over the typed name.

Carol L. Hill
Licensing Assistant
Division of Nuclear Materials Safety
Branch-B

Docket: 030-20350
License: 40-26818-01
Control: 576672

BETWEEN:

Accounts Receivable/Payable
and
Regional Licensing Branches

[FOR ARPB USE]
INFORMATION FROM LTS

Program Code: 03121
Status Code: Pending Renewal
Fee Category: 3P
Exp. Date:
Fee Comments:
Decom Fin Assur Req: N

License Fee Worksheet - License Fee Transmittal

A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: FMG, INC.
Received Date: 01/17/2012
Docket Number: 3020350
Mail Control Number: 576672
License Number: 40-26818-01
Action Type: Renewal

2. FEE ATTACHED

Amount: _____

Check No.: _____

3. COMMENTS

Signed: _____

Date: _____

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered / /)

1. Fee Category and Amount: _____

2. Correct Fee Paid. Application may be processed for:

Amendment: _____

Renewal: _____

License: _____

3. OTHER _____

Signed: _____

Date: _____