

December 1, 2004

Nuclear Measurements Corporation
Attn: Mr. Donald L. DeMoss
P.O. Box 18248
Indianapolis, IN 46218

SUBJECT: EXPIRATION OF EXEMPT DISTRIBUTION LICENSE No. 13-03341-02E

Dear Mr. DeMoss:

This letter documents our recent conversation concerning the expiration of your exempt distribution license. Your undated application for renewal was received in our office on November 10, 2004, whereas the expiration date on your license was June 30, 2004. Pursuant to 10 Code of Federal Regulation (CFR) 2.109 and 10 CFR 30.36, the licensee must submit an application for a license renewal at least 30 days before the expiration date in order to continue the license after its expiration date. Because your application was not received until after your license had expired, you must submit an application package for a new license. After a license expires, exempt distribution activities are no longer authorized, and you must cease all distribution activities until a new license can be obtained.

The product information to be submitted for your distribution license is outlined in 10 CFR Part 32.14 and 32.18, and in NUREG-1556, Vol. 8, "Consolidated Guidance About Materials Licenses - Program-Specific Guidance About Exempt Distribution Licenses." This guidance may be found on the NRC's external web site at:

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v8/index.html>

An excerpt, "Amendments and Renewals to a License," is provided as an Enclosure. Your application for a distribution license should not contain information concerning the possession and use of radioactive material as covered in your possession license; therefore, you should only answer questions 1 through 6, and 12 and 13 on NRC Form 313, "Application for Material License." Form 313 may be found on the NRC's external web site at:

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v8/form313.html>

If you have questions or concerns regarding the fees required, you should contact the License Fee and Accounts Receivable Branch at (301) 415-7544 for fee information. Payment of the fee should be mailed with the application package to the U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Division of Industrial and Medical Nuclear Safety, Washington, DC 20555. Please note that this fee is only for a distribution license.

If I can be of further assistance, please contact me at (301) 415-6613.

Sincerely,

/RA/
Timothy E. Harris
NRC/NMSS/IMNS/MSIB-A
Mail Stop: T8F5

Docket No. 030-12927
Mail Control No. 022459

Enclosure: excerpt from NUREG-1556, Vol. 8

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Mail Control No. 022459

Enclosure: excerpt from NUREG-1556, Vol. 8

Distribution:

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ADAMS#ML043360329 *see previous concurrence

OFFICE	MSIB	MSIB
NAME	RStruckmeyer*	THarris*
DATE	11 / 30 / 04	12 / 01 / 04

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Enclosure

Program-Specific Guidance About Exempt Distribution Licenses - Final Report (NUREG-1556, Vol. 8)

12 Amendments and Renewals to a License

After the issuance of a license, licensees must conduct the licensed activities for the manufacture and/or distribution of exempt distribution products in accordance with:

- the statements, representations, and procedures contained in the application and other correspondence with NRC;
- the terms and conditions of the license; and
- the NRC's regulations.

It is the licensee's obligation to keep the license current and anticipate the need for a license amendment as far as possible. If any of the information provided in the original application is to be modified or changed, the licensee must submit an application for a license amendment before the change takes place. Also, to continue the license after its expiration date, the licensee must submit an application for a license renewal at least 30 days before the expiration date (10 CFR 2.109, 10 CFR 30.36).

Applications for license amendment, in addition to the following, must provide the appropriate fee. For renewal and amendment requests applicants must do the following:

- Be sure to use the most recent guidance in preparing an amendment or renewal request
- Submit in duplicate, either an NRC Form 313 or a letter requesting amendment or renewal
- Provide the license number
- For renewals, provide a complete and up-to-date application if many outdated documents are referenced or there have been significant changes in regulatory requirements, NRC's guidance, the licensee's organization, or radiation protection program. As an alternative, describe clearly the exact nature of the changes, additions, and deletions.
- Using the suggested wording of responses and committing to using the model procedures in this draft report will expedite NRC's review.

For renewals, with the exception of those licensed under §32.21, file a report with NRC providing information on the products transferred to other persons per their exempt distribution license. The specific information to be included in the product transfer report is outlined for each category of exempt product in the corresponding regulations (§§ 32.12, 32.16, 32.20, 32.25, and 32.29).

In requesting renewal of a license, licensees may do the following:

- Submit an entirely new application for renewal as if it were an application for a new license, without referring to previously submitted information
- Review the current license to determine if it accurately represents the current radiation safety program and the products currently distributed, and submit an application that identifies any necessary additions, deletions, or other changes
- Review the documents submitted to the NRC in the past to determine if the information is up to date and accurately represents the current licensed activities and products. Identify in the application, by date, those documents that are applicable and those that are out-of-date or superseded, and indicate any changes necessary to reflect the current program.

Applications for license renewal filed at least 30 days before the expiration date of the license will receive a "Deemed Timely" (Appendix T) letter confirming that the application has been timely filed and the present license will remain in effect until the NRC takes final action on the renewal application. A copy of this letter should be maintained until the amended license is received. If a renewal application is not received by NRC before the expiration date, the licensee will be without a valid license when the license expires. If the license expires, exempt distribution activities are no longer authorized, and the licensee must cease all distribution activities until a new license can be obtained. Once the license expires, the licensee must submit an application package for a new license.

Licensees not wishing to renew their distribution license should send a letter to the NRC before the expiration date of the license with a request that the license be terminated (see Section 14). Using the suggested wording of responses and committing to using the model procedures in this draft report will expedite NRC's review.

Note: Amending or changing the exempt distribution license may also require an amendment of the device registration sheet for additions, deletions, or modifications to models of sealed sources or devices to be distributed.