

RECEIVED

U.S. NUCLEAR REGULATORY COMMISSION

MAR 15 2011

NRC FORM 313

(3-2009)

10 CFR 30, 32, 33,  
34, 35, 36, 39, and 40

## APPLICATION FOR MATERIALS LICENSE

APPROVED BY OMB: NO. 3150-0120

EXPIRES: 3/31/2012

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](mailto: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 **49-27065-01**

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

**McGarvin-Moberly Construction Co.**  
**PO Box 1166**  
**Worland, WY 82401**

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

**A. 1001 HWY 20 North, Worland WY, 82401**  
**B. Temporary job sites anywhere in the USA where the**  
**USNRC maintains jurisdiction for regulating the use of**  
**licensed materials.**

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

**Gary Robertson**

TELEPHONE NUMBER

**(307) 347-4268**

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 **3P**AMOUNT  
ENCLOSED**\$ 1,400.00**

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

**Gary Robertson, Environmental Safety Director**

SIGNATURE



DATE

**03/03/2011**

## FOR NRC USE ONLY

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

APPROVED BY

DATE

16 574790

## ATTACHMENTS FOR NRC FORM 313

Item #5 **RADIOACTIVE MATERIAL**

Byproduct, source, and/or special nuclear material	Chemical and/or physical form	Maximum amount that licensee may possess at any one time
Cesium-137	Sealed Source	9 millicuries
Americium-241	Sealed Neutron Source	44 millicuries

Item #6 **PURPOSE FOR WHICH LICENSED MATERIAL WILL BE USED**

PURPOSE FOR WHICH LICENSED MATERIAL WILL BE USED
<ul style="list-style-type: none"><li>• To be used in Troxler model 3400 series gauges for measurements of physical properties of materials.</li><li>• To be used in Troxler model 4640 series gauges for measurements of physical properties of materials.</li></ul>

Item #7 **INDIVIDUAL/S REponsible FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING EXPERIENCE**

- The RSO is Gary Robertson. The current and future RSO has successfully complete and passed the following training courses. Courses are titled "Radiation Safety Officer Training Class", Nuclear Gauge Safety Training, and have a current "HazMat Certification" at the time of this application process. The classes were sponsored by Troxler Electronic Labs.

Item #8 **TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS**

- Before using licensed material, authorized users will have successfully completed the "Troxler Nuclear Gauge Safety Training Class"

Item #9      **FACILITIES AND EQUIPMENT:** No Response Required

Item #10     **RADIATION SAFETY PROGRAM**

- **PERSONNEL MONITORING:** All personnel will wear a personnel monitoring device, such as a TLD badge, to measure radiation exposure when using or transporting gauges. The badges shall be exchanged at intervals not to exceed 3 months. Dosimetry badges shall be provided by a vendor accredited by the NVLAP (National Voluntary Laboratory Accreditation Program), such as Troxler Electronic Laboratories, Inc.

**Troxler Radiation Monitoring Services**  
**3008 Cornwallis Rd.**  
**Research Triangle, Park NC 27709**

- **RADIATION DETECTION INSTRUMENTS:** We will maintain a survey meter for use in the event of an incident involving the gauge. The survey meter will be calibrated annually by the manufacture and checked for functionality before use (e.g. with the gauge source or a check).

Manufacturer:	Troxler Electronic Laboratories, Inc.
Model:	TroxAlert
Type:	G-M survey meter\
Radiation Detected:	Alpha, Beta, Gamma, and X-Ray
Sensitivity range:	0-100 mrem/hr
Window Thickness:	1.4 mg/cm <sup>2</sup>

**Address:**

Troxler Electronic Laboratories, Inc.  
3008 Cornwallis Road  
Research Triangle Park, NC 27709

North Carolina License No. 032-0182-1

- **SEALED SOURCE LEAK TESTING:** Leak tests will be performed at intervals not to exceed 6 months or other interval specified in the license using an approved kit, such as Troxler Leak Test Kit 3880, in accordance with the kit supplier's instruction. Leak test samples will be analyzed by an organization authorized by the NRC or Agreement State to provide

leak test services, such as Troxler Electronics Laboratories, Inc. (North Carolina license No. 031-0182-1).

- **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.
- **PUBLIC DOSE:** We will ensure that gauges are used, transported, and stored in such a way that no member of the public receives a dose of more than 100 mrem in one year. We will ensure that the dose in unrestricted areas does not exceed 2 mrem in any one hour. We will control and maintain constant surveillance over gauges that are not in storage and secure gauges from unauthorized use or removal.
- **OPERATING AND EMERGENCY PROCEDURES:** Operating and Emergency Procedures (O&EP) have been implemented and maintained. A copy of these procedures will be distributed to each gauge user before initial use of equipment and maintained at the job site.
- **MAINTENANCE:** We will implement and maintain procedures for routine maintenance (cleaning and lubrication) of our gauges to the manufacture's recommendations and instructions. We will send the gauges to the manufacturer to perform non-routine maintenances or repair operations that require removal of the sources or source rod from the gauges.
- **AUDIT PROGRAM:** We will ensure compliance with applicable NRC, State and DOT regulations and the terms and conditions of the license. We will ensure the doses to workers and members of the public are **As Low As Reasonably Achievable** (ALARA). An audit of the radiation safety program content and implementation will be performed and documented annually. Records of audits will be maintained for at least 3 years. Corrective actions will be taken promptly to prevent recurrences of deficiencies.

Item #11 **WASTE MANAGEMENT:** No Response Required



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
612 EAST LAMAR BLVD, SUITE 400  
ARLINGTON, TEXAS 76011-4125

April 5, 2011

McGarvin-Moberly Construction Co.  
ATTN: Gary Robertson  
Environmental Safety Director  
P.O. Box 1166  
Worland, Wyoming 82401

SUBJECT: DEEMED TIMELY LETTER

We acknowledge receipt of your application dated March 3, 2011, 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) 860-8103. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, reading "Colleen Murnahan", is written over a faint, larger version of the same signature.

Colleen Murnahan,  
Licensing Assistant  
Division of Nuclear Materials Safety  
Branch-B

Docket: 030-32107  
License: 49-27065-01  
Control: 574790

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'd: N

## License Fee Worksheet - License Fee Transmittal

### A. REGION

#### 1. APPLICATION ATTACHED

Applicant/Licensee: MCGARVIN-MOBERLY CONSTRUCTION CO.  
Received Date: 03/15/2011  
Docket Number: 3032107  
Mail Control Number: 574790  
License Number: 49-27065-01  
Action Type: Renewal

#### 2. FEE ATTACHED

Amount: \$1400.00

Check No.: 036791

#### 3. COMMENTS

*No charge for renewals.  
\$1400 may need to be  
refunded to  
licensee. cm*

Signed:

Colleen Munnahan

Date:

3-30-2011

### 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: \_\_\_\_\_



**McGarvin-Moberly** "AN EMPLOYEE-OWNED COMPANY"  
"AN EQUAL OPPORTUNITY EMPLOYER"  
CONSTRUCTION CO.



P. O. BOX 1166  
WORLAND, WYOMING 82401

3-15-2011

NUCLEAR MATERIALS LICENSING BRANCH  
U.S. NRC REGION IV  
612 E. LAMAR BLVD. SUITE #400  
ARLINGTON, TX 76011-4125



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