

Free

NRC FORM 313  
(3-2009)  
10 CFR 30, 32, 33,  
34, 35, 36, 39, and 40

U.S. NUCLEAR REGULATORY COMMISSION

APPROVED BY OMB: NO. 3150-0120

EXPIRES: 3/31/2012

### 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](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, OREGON, PENNSYLVANIA, WISCONSIN, SEND APPLICATIONS TO:

MATERIALS LICENSING BRANCH  
U.S. NUCLEAR REGULATORY COMMISSION, REGION III  
2443 WARRENVILLE ROAD, SUITE 210  
LISLE, IL 60532-4352

RECEIVED

OCT 11 2011

DNMS

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 76011-4126

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 33-27064-01

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

**MATERIAL TESTING SERVICES, INC.**  
PO BOX 634  
MINOT, ND 58702

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

1) #B 20TH AVE SE, MINOT, ND 58701  
2) 621A EAST BROADWAY, WILLISTON, ND 58801  
3) 714 14TH ST. S., GRAND FORKS, ND 58208

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

**STEVEN WALD**

TELEPHONE NUMBER

**701-852-5553**

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: \_\_\_\_\_ AMOUNT ENCLOSED: N/A

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: STEVEN A. WALD / PRESIDENT SIGNATURE: *[Signature]* DATE: 10/11/11

#### FOR NRC USE ONLY

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

# MATERIAL TESTING SERVICES, INC.

## Item 5

<u>Radioisotope</u>	<u>Manufacture or Distributor Model No.</u>	<u>Quantity</u>
A. Cesium-137	A. Sealed sources (AEA Technology/QSA, Inc., Model CDCW556; Isotope Products Laboratories Model HEG 137)	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate
B. Americium-241:Be	B. Sealed neutron sources (AEA Technology/QSA, Inc. Model AMNV.997; Isotope Products Laboratories Models AM1.NO2, 3021 and 3027)	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate
C. Cesium-137	C. Sealed source (CPN International Inc. Model CPN-131)	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate
D. Americium-241:Be	D. Sealed neutron source (CPN International, Inc., Model CPN-131)	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate
E. Cesium-137	E. Sealed sources (AEA Technology QSA, Inc., Model CDC.805; or Isotope Products Laboratories Model HEG 137)	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate
F. Americium-241:Be	F. Sealed neutron sources (AEA Technology QSA, Inc., Model AMN.V997; or Isotope Products Laboratories Model AM1.NO2)	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate

## Item 6

A. & B. To be used in a Troxler Electronic Laboratories Model 3400 Series portable gauging devices for measuring physical properties of materials.

C. & D. To be used in a CPN International, Inc. Model MC Series Portaprobe portable gauging devices for measuring physical properties of materials.

E. & F. To be used in a InstroTeck, Inc. Model 3500 Xplorer portable gauging devices for measuring physical properties of materials.

# MATERIAL TESTING SERVICES, INC.

## Item 7

Steven A. Wald is the designated Radiation Safety Officer and is responsible for the radiation safety program.

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 Officer" in NUREG-1556, Vol. 1, Rev. 1, dated November 2001.

## Item 8

Before using licensed materials, authorized users will have successfully completed one of the training courses 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.

## Item 10

See attached radiation safety program.

## NRC LICENSE RENEWAL

### Item 10 - Radiation Safety Program

#### General

This radiation safety plan covers the procedure for the safe and proper use and possession of radioactive material as contained in portable moisture/density gauges used to measure soil and other materials. When handled in accordance with this plan, the radioactive materials present no hazard to the licensee's employees, customers, or the general public.

#### Duties of Radiation Safety Officer

All use and possession is under the direction and supervision of the Radiation Safety Officer (RSO). The RSO is a single point of accountability and responsibility between the Regulatory Agency and the Licensee. The RSO is responsible for all aspects of the Radiation Safety Program, including the following specific duties:

1. To ensure that all terms and conditions of the license are being complied with and that the information contained is up-to-date and accurate.
2. To ensure that the equipment is leak tested at the required intervals.
3. To ensure that the equipment is only used by operators authorized by the RSO, and that they use the equipment in accordance with all relevant regulations. This will include wearing of suitable personnel monitoring device.
4. To maintain records as required by the license and the regulations.
5. To ensure that all equipment is properly secured against unauthorized removal at all times.
6. To serve as a point of contact and give assistance in case of an emergency such as equipment damage in the field, theft, or fire and to notify the proper authorities in case of an emergency.
7. To ensure that all operators have read and understand this Radiation Safety Program.
8. To arrange appropriate training for all operators.
9. To provide annual refresher training to all gauge operators on operating and emergency procedures, transportation requirements, changes in applicable regulations or license conditions, and correction of deficiencies identified by the RSO.

**Item 10 - Radiation Safety Program continued...**

10. To post all required signs and notices at gauge storage locations

Post document RH-2364, Notice to Employees

Label storage cabinet with "Caution, Radioactive Material" and international symbol

Post notice of where copy of the organization's license, safety program, and copy of regulations are located

11. To perform an annual audit and to document the audit, and corrective actions taken.
12. To ensure licensed material is disposed of properly.

**Radiation Detection 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.

**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.

**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% of the allowable limits in 10 CFR Part 20 or we will provide dosimetry processed and evaluated by a NVLAP-approved processor that is exchanged at a frequency recommended by the processor.

**Operating and Emergency Procedures**

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.

**Item 10 - Radiation Safety Program continued...**

**Leak Testing**

Leak tests will be performed at intervals approved by the 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.

**Maintenance**

**Routine Cleaning and Lubrication**

We will implement and maintain procedures for routine maintenance of our gauges according to each manufacturer's recommendations and instructions.

**Non-Routine Maintenance**

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.



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

October 12, 2011

Material Testing Services, Inc.  
ATTN: Steven A. Wald  
President and Radiation Safety Officer  
P.O. Box 634  
Minot, North Dakota 58702

SUBJECT: DEEMED TIMELY LETTER

We acknowledge receipt of your application dated October 11, 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) 860-8140. Thank you for your cooperation.

Sincerely,

*/RA/*

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

Docket: 030-32117  
License: 33-27066-01  
Control: 576176

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: MATERIAL TESTING SERVICES, INC.  
Received Date: 10/11/2011  
Docket Number: 3032117  
Mail Control Number: 576176  
License Number: 33-27066-01  
Action Type: Renewal

**2. FEE ATTACHED**

Amount: \_\_\_\_\_  
Check No.: \_\_\_\_\_

**3. COMMENTS**

Signed: Carol L. Hice  
Date: 10/12/11

**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: \_\_\_\_\_