



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

October 5, 2021

Keary Schultz
Maintenance Foreman
Martin Marietta Magnesia Specialties, Inc.
P.O. Box 398
Manistee, MI 49660

Dear Mr. Schultz:

This letter is in reference to your application dated May 21, 2021, requesting the renewal of U.S. Nuclear Regulatory Commission (NRC) Materials License No. 21-12986-01.

The NRC's guidance document for your type of license, which I refer to in this letter as "the guidance", is NUREG-1556, Volume 4, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses." The latest revision was published on July 2016 and is accessible at: <https://www.nrc.gov/docs/ML1618/ML16188A048.pdf>

Upon review of your application, I identified the following areas requiring additional or clarifying information:

1. NRC Form 313, "Application for Materials License," indicates that the license application should be prepared following the instructions provided in the current volume of NUREG-1556, "Consolidated Guidance About Materials Licenses."

Your application was not prepared in accordance with the guidance and did not include any supporting documentation. Please understand that each renewal application is evaluated independently of any previously approved radioactive materials license.

Therefore, revise and resubmit your application providing all supporting documentation as indicated in the guidance. You may use Appendix B, "Suggested Format for Providing Information Requested in Items 5 through 11, of the U.S. NRC Nuclear Regulatory Commission Form 313," to prepare your revised application. Further information regarding completion of the license application may be found in the guidance, including Section 8, "Contents of an Application,"

2. Section 8.13, "Item 13: Certification," of the guidance specifies that a representative of the legal entity filing the application must sign and date the [NRC Form 313, "Application for Materials License."](#) The representative signing the application must be authorized to make binding commitments and to sign official documents on behalf of the applicant (i.e., a certifying official).

You signed the submitted application for license renewal. Though, your title is not recognized as that of a certifying official (e.g., Plant Manager, President or Director).

Therefore, please have the revised application signed by a member of management. For additional information, you may refer to Chapter 3, "Management Responsibility," of the guidance.

3. Section 8.7.1, "Radiation Safety Officer," of the guidance identifies that the Radiation Safety Officer (RSO), is responsible for the oversight of licensed operations. The RSO must have sufficient organizational authority and management prerogative to enforce appropriate radiation protection rules, standards, and practices.

To formally establish the organizational authority of your office, please submit a current Delegation of Authority signed by a management representative. A model Delegation of Authority is provided in Appendix C, "Typical Duties and Responsibilities of the Radiation Safety Officer," of the guidance.

In accordance with Title 10 Code of Federal Regulations §2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <https://www.nrc.gov/reading-rm/adams.html>.

To continue review of your application, I request that you submit your response to this letter within 20 calendar days from the date of this letter. In your response, please refer to the license, docket, and control number specified below. I will assume that you do not wish to further pursue this licensing action if I do not receive a reply within the specified timeframe noted above.

If you have questions, require additional time to respond, or require clarification on any of the information stated above, I encourage you to contact me at Jason.Kelly@nrc.gov or at (630) 829-9737.

Sincerely,

Jason M. Kelly, MPH
Health Physicist
Materials Licensing Branch

License No. 21-12986-01
Docket No. 030-04919
Control No. 626879