

(8-1999)
10 CFR 30, 32, 33
34, 35, 36, 39 and 40

APPLICATION FOR MATERIAL LICENSE

Estimated burden per response to comply with this mandatory information collection request: 7.4 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 Management Branch (T-6 E6), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to bja1@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, 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:

DIVISION OF INDUSTRIAL AND MEDICAL NUCLEAR SAFETY
OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001

ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS:

IF YOU ARE LOCATED IN:

CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, PENNSYLVANIA, RHODE ISLAND, OR VERMONT, SEND APPLICATIONS TO:

LICENSING ASSISTANT SECTION
NUCLEAR MATERIALS SAFETY BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

ALABAMA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, PUERTO RICO, SOUTH CAROLINA, TENNESSEE, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA, SEND APPLICATIONS TO:

SAM NUNN ATLANTA FEDERAL CENTER
U. S. NUCLEAR REGULATORY COMMISSION, REGION II
61 FORSYTH STREET, S.W., SUITE 23785
ATLANTA, GEORGIA 30303-8931

IF YOU ARE LOCATED IN:

ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND APPLICATIONS TO:

MATERIALS LICENSING SECTION
U.S. NUCLEAR REGULATORY COMMISSION, REGION III
801 WARRENVILLE RD.
LISLE, IL 60532-4351

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:

NUCLEAR MATERIALS LICENSING SECTION
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TX 76011-8064

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 Not Applicable
- B. AMENDMENT TO LICENSE NUMBER _____
- C. RENEWAL OF LICENSE NUMBER _____

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

R & K Enterprises
P. O. Box 543
Kingwood, WV 26537

3. ADDRESS(ES) WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED
The portable guage will be stored in a secured building behind the office. Office location, approximately 0.5 Mi. South of Kingwood on Rt. 26, PO Box 543, Kingwood, WV 26537. The guage will be used for testing the compaction of soil & will not be stored on site at any time.

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

Russell L. Bolvard
TELEPHONE NUMBER
(304) 329-2751

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. LICENSEE FEES (See 10 CFR 170 and Section 170.31) FEE CATEGORY <u>P</u> AMOUNT ENCLOSED \$ <u>1,3000.00</u>

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: Russell L. Bolvard, President SIGNATURE: Russell L. Bolvard DATE: 04-12-2001

FOR NRC USE ONLY

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

ATTACHMENT FORM: ITEMS 5 - 11

ITEM 5: Radioactive Material:

a. Element and mass number:

Cesium – 137
Americium – 241: Beryllium

b. Chemical and/or physical form:

Sealed neutron sources in compatible gauges as specified in sealed source and device registration sheet.

c. Maximum amount which will be possessed at any time:

Not to exceed maximum activity per source as specified in sealed source and device registration sheet.

ITEM 6: Purpose(s) For Which Licensed Material Will Be Used:

The gauge will be used for the purposes described in their respective SSD registration sheet. The gauge will be used to measure physical properties of materials.

ITEM 7: Individual(s) Responsible For Radiation Safety Program And Their Training Experience – Radiation Safety Officer (RSO):

The proposed Radiation Safety Officer's are going to be Joseph E. Teets and William S. Hegedis. Before obtaining licensed materials, the proposed *RSO's* 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, dated May 1997.

ITEM 8: Training For Individuals Working In Or Frequenting Restricted Areas:

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, dated May 1997.

ITEM 10: Radiation Safety Program:

Audit Program: There will be a portable gauge checklist in our office, which will be checked on a regular basis by the Radiation Safety Officer's, Joseph Teets and William Hegedis. All findings will be reported to the General Manager, Thomas Robinson and to the President of the company, Russell Bolyard. If there are any findings reported, the portable gauge will be secured in storage and unused until the problem is corrected.

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, dated May 1997, in the event of an incident.

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 & Emergency Procedures: We will implement and maintain the operating and emergency procedures in *Appendix H* of NUREG – 1556, Vol. 1, dated May 1997, and provide copies of these procedures to all gauge users and at each job site.

Leak Test: Leak test will be performed at intervals approved by the *NRC* or an Agreement State and specified in the Sealed Source and Device Registration Sheet. Leak test 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 & Lubrication: We will implement and maintain procedures for routine maintenance of our gauges according to each manufacturer's recommendations and instructions.

Maintenance: 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.