

NRC FORM 313
(4-2004)
10 CFR 30, 32, 33,
34, 35, 36, 39, and 40

U.S. NUCLEAR REGULATORY COMMISSION

APPLICATION FOR MATERIAL LICENSE

APPROVED BY OMB: NO. 3150-0120
Expires: 10/31/2005
Estimated burden per response to comply with this mandatory collection request: 7 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 estimates to the Records and FOIA/Privacy Services Branch (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to infocollections@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:

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:

ALABAMA, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, FLORIDA, GEORGIA, KENTUCKY, MAINE, MARYLAND, MASSACHUSETTS, MISSISSIPPI, 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

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.

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

(44-31043-01)

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 BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV
811 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TX 76011-4005

LL 31043
63036929
03121

RECEIVED
REGION I
APR 28 P 1:28

1. THIS IS AN APPLICATION FOR (Check appropriate item)

A. NEW LICENSE

B. AMENDMENT TO LICENSE NUMBER _____

C. RENEWAL OF LICENSE NUMBER _____

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

BEAR DOG Enterprises
189 Birchard Peak
Middlebury, VT 05753

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

1050 Route 7 South
Middlebury VT 05753

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

Robert N. Bush (RSO)

TELEPHONE NUMBER

802-388-2652
802-879-9985

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 \$1200.00

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 82 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 (TYPE/PRINTED) NAME AND TITLE

Robert N. Bush

SIGNATURE

Robert N. Bush

DATE

4/26/05

FOR NRC USE ONLY

TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
APPROVED BY			\$	DATE	136923 NMSS/RGNI MATERIALS-002

**Application For Material License
Bear Dog Enterprise**

5. Radioactive Material

- A) Element and Mass number:
 - 1. Cesium (Cs-137)
 - 2. Americium (Am-241:Be)

- B) Chemical and/or Physical Form:
 - 1. Sealed source Troxler Dwg A-102112
 - 2. Sealed source Troxler Dwg A-102451

- C) Maximum amount that will be possessed at one time:
 - 1. No single source to exceed 9 mCi
 - 2. No single source to exceed 44 mCi

6. Purposes for Which licensed Material Will be Used

- A) To be used in Troxler Model 3430 series gauges for measurement of physical properties of materials
- B) To be used in Troxler Model 3440 series gauges for measurement of physical properties of materials

7. Individual responsible for Radiation Safety Program and Their Training Experience:

Before obtaining licensed materials, the proposed RSO, Robert Bush, will have successfully completed Troxler's Nuclear Gauge Safety Training Class or Troxler's Radiation Safety Officer Training Class and before being named as the RSO, future RSO's will have successfully completed Troxler's Nuclear Gauge Safety Training Class or Troxler's Radiation Safety Officer Training Class.

8. Training for Individuals Working in or Frequenting Restricted Areas

Before using licensed materials, all gauge users will have successfully completed the Troxler Nuclear Gauge Safety Training Class. In addition to these requirements Bear Dog Enterprises requires that before an individual is permitted to use a gauge the individual will have:

- A) Successfully completed the Troxler safety training course.
- B) Received copies of, and been trained in, the applicant's gauge operating and emergency procedures
- C) Been designated as an authorized user by the RSO

Application for Material License Bear Dog Enterprises

9. Facilities and Equipment:

The storage area where the gauge will be stored has an external alarm with an inter lock with a key control program limiting access to only the RSO. The entrance will be posted with a caution- Radioactive Material sign. The area is unoccupied and is approximately twenty feet from any employee work stations. There is to be one gauge at this site which will have a metal container that the gauge will be stored in, protecting all sides and bottom and top.

10. Radiation Safety Program

The following is the Radiation Safety Program for Bear Dog Enterprise located at 1050 Route #7 South Middlebury Vermont 05753.

Robert Bush has been designated as the company Radiation Safety Officer and will assume duties and responsibilities that include the following:

1. To ensure that all terms and conditions of the license are being met and the information contained in the license is up-to-date.
2. To ensure that the equipment has been leak tested in the required timely manner and that the leak test is performed as prescribed by the gauge manufacturer.
3. To ensure that the use of the equipment is only by individuals that have been authorized by the Radiation Safety Officer and that all users wear personnel monitoring equipment, accredited by the *National Voluntary Laboratory Accreditation Program* when using the gauge.
4. To maintain the records required by the license and the regulations. These records shall include personnel exposure records, leak test records, training certificates for all users, and an inventory to include documentation demonstrating gauge users are not required to be monitored are not likely to receive a radiation dose in excess of 10% of the allowable limits. In addition, all records of receipt, transfer, and disposal of gauges will be maintained for at least 3 years and all physical inventories of sealed sources will be conducted at intervals not to exceed 6 months.
5. To ensure that the equipment is properly secured against unauthorized removal at all times when it is not in use,
6. To serve as point of contact and give assistance in case of emergency and to notify the proper authorities if needed.
7. To ensure that all users have read and understand the radiation safety operating and emergency procedures.
8. Ensure the gauges are used, transported, and stored in such a way that no member of the public receive a dose of more than 100 mrem in one year. That the company ensure the dose in unrestricted areas does not exceed 2 mrem in any one hour.
9. The name and address of our NVLAP accredited dosimetry badge service is:

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

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9. We will maintain a survey meter for use in the event of an incident involving the gauge. The specifications of the meter are as follows:

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/cm²

Operating Procedures

Transportation of Equipment

1. All possible means shall be provided to ensure that the equipment is fully secured in the transporting vehicle and the equipment is away from the passenger compartment. When transporting in an enclosed vehicle(car or van), the vehicle will be locked. When transporting in an open bed vehicle, the gauge will be securely fastened and locked to the bed. In any situation, the case should be blocked and braced to prevent shifting.
2. The gauge will be transported in the Troxler transportation case. The U.S. Department of Transportation requires the case to be properly labeled.
3. At all times during transport, the operator must have a properly completed "Bill of Laden" and "Emergency Response Information" for each gauge.

Utilization Procedures

1. When the gauge is in the field, the authorized user must maintain control over the gauge at all times. The gauge must never be left unattended.
2. When not taking measurements, the gauge should be placed in the transportation case and returned to its permanent storage area as soon as possible. The gauge is to be used only for its intended purpose. By doing so, any radiation exposure will be as low as reasonably achievable.
3. When using the equipment, the authorized or designated user will wear the personnel monitoring device that has been assigned to him. When not using the equipment, the individual's personnel monitoring device is to be stored in a designated radiation free area.

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Maintenance and Leak Test Procedures

1. Periodic maintenance includes cleaning the gauge. During maintenance, the person performing the maintenance must wear his personnel monitoring device.
2. No maintenance is to be performed that includes removing the source(s) from the gauge. For this type of maintenance, the gauge must be returned to the Troxler Service Department.
3. The leak test is to be performed using the Troxler Model 3880 Leak Test Kit, according to instructions accompanying the kit. During any maintenance, the person performing the maintenance must wear his own personnel monitoring device. Gauges must be leak tested at intervals not exceeding six months. Leak test samples will be analyzed by an organization authorized by the NRC such as Troxler Electronics Laboratories, Inc. (North Carolina license no. 031-0182-1)

Emergency Procedures

In the event of physical damage to a gauge, the following steps must be taken:

1. Locate the gauge and /or source.
2. Do not touch or move the gauge
3. Immediately cordon off an area around the nuclear gauge and/or source. A radius of 15 feet(5m) will be sufficient. Do not leave the area unattended.
4. Keep all unauthorized personnel from the nuclear gauge.
5. If a vehicle is involved, it must be stopped until the extent of contamination, if any, can be established.
6. The gauge user should perform a visual inspection of the nuclear gauge to determine if the source housing and/or shielding has been damaged.
7. Use a survey meter to measure the dose rate at a distance of one meter(3 ft) from the gauge.
8. Contact the company RSO Robert Bush. Provide the RSO with the following:
 - a) the date, time, and location of the accident,
 - b) the gauge model and serial number
 - c) the nature of the accident,
 - d) the location and condition of the gauge and/or source,
 - e) the dose rate at one meter (3ft) from the gauge.
9. If you are unable to reach the RSO, then call your regulatory agency (U.S. Nuclear Regulatory Commission King of Prussia Pa.(1-610-337-5000)
10. Follow the instructions of the RSO. The RSO should report the incident to the regulatory agency. The RSO may also be required to notify the USDOT of accidents during transport.

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11. Before shipping a damaged gauge to Troxler, obtain an RGA(returned goods authorization) number from the Troxler RSO.

In the event that a gauge is lost or stolen, the Radiation Safety Officer listed above is to be notified immediately.

11. Waste Management

All disposal of regulated materials will be disposed of by transfer to an authorized recipient, such as Troxler, a commercial waste disposal firm, or another licensee authorized to possess the licensed material.

This is to acknowledge the receipt of your letter/application dated

4/26/2005, and to inform you that the initial processing which includes an administrative review has been performed.

New License Application (03036929)
There were no administrative omissions. Your application was assigned to a technical reviewer. Please note that the technical review may identify additional omissions or require additional information.

Please provide to this office within 30 days of your receipt of this card

A copy of your action has been forwarded to our License Fee & Accounts Receivable Branch, who will contact you separately if there is a fee issue involved.

Your action has been assigned Mail Control Number 136923.
When calling to inquire about this action, please refer to this control number.
You may call us on (610) 337-5398, or 337-5260.

BETWEEN: : (FOR LFMS USE)
 : INFORMATION FROM LTS
 : -----
 :
 License Fee Management Branch, ARM : Program Code: 03121
 and : Status Code: 3
 Regional Licensing Sections : Fee Category: _____
 : Exp. Date: 0
 : Fee Comments: _____
 : Decom Fin Assur Req: _
 : ::::::::::::::::::::::::::::::::::::

LICENSE FEE TRANSMITTAL

A. REGION I

1. APPLICATION ATTACHED
 Applicant/Licensee: BEAR DOG ENTERPRISES
 Received Date: 20050428
 Docket No: 3036929
 Control No.: 136923
 License No.: 44-31043-01
 Action Type: New Licensee

2. FEE ATTACHED
 Amount: \$1,200.00
 Check No.: 5393

3. COMMENTS

Signed Rebecca Jurok
 Date 4/28/2005

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 _____