

NRC FORM 313

(10-2005)

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

U.S. NUCLEAR REGULATORY COMMISSION

APPROVED BY OMB: NO. 3150-0120

EXPIRES: 10/31/2008

Estimated burden per response to comply with this mandatory collection request: 4.4 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 and FOIA/Privacy Services Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to infocollects@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.

APPLICATION FOR MATERIALS LICENSE

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, 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
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TX 76011-4005

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 _____

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

Cumberland Resources Corporation
152 West Valley Street
Abington, VA 24293

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

Cumberland Resources Corporation
Pigeon Creek Processing
Wentz Plant Loadout
6157 Stonega Road
Appalachia, VA 24216

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

Ray E. Burns

TELEPHONE NUMBER

(276) 565-1712

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 1-C

AMOUNT
ENCLOSED

\$ 1,200.00

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

Ray E. Burns - Engineer

SIGNATURE

Ray E. Burns

DATE

1-11-08

FOR NRC USE ONLY

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

141589

ITEMS 5 & 6: MATERIALS TO BE POSSESSED AND PROPOSED USES

Radioisotope	Manufacturer/Model #	Quantity	Most Common Use
Californium 252	Sealed Sources	60	Radioactive material is used to analyze bulk material on a moving conveyor belt in a Full Stream Elemental Analyzer which is described in <u>ATTACHMENT I.</u>
	Amersham CVN.CN2	millicuries	
	CVN.CY6	or	
	CVN.5	110	
	CVN.6	microgra	
	CVN.7	ms	
	CVN.10		
	CVN.11		
	or CVN.CYn		
	Frontier Technologies Corp		
	10		
	10s		
	100		
	100s		
	100z or 100 Series		

**ITEM 7:
INDIVIDUAL(S) RESPONSIBLE
FOR RADIATION SAFETY
PROGRAM AND THEIR
TRAINING AND EXPERIENCE –
RADIATION SAFETY OFFICER.**

The Radiation Safety Officer shall be Lay E. Burns of Cumberland Resources Corporation. Prior to receipt of licensed materials, he will have successfully completed the training course described in NUREG – 1556.

**ITEM 8:
TRAINING FOR INDIVIDUALS
WORKING IN OR FREQUENTING
RESTRICTED AREAS**

Training will also be provided for on-site personnel working in or near the restricted areas. This training will be provided by ETI and include material described in NUREG – 1556.

Normally, no one will work in the vicinity of the gauge. However, a “lock-out” procedure will be used to “lock-out” the radiation source if anyone must work in the vicinity of the source where radiation exposure could occur.

In the absence of the Radiation Safety Officer, any management-appointed “responsible individual” who has received training specified above can initiate and remove the “lock-out” procedure.

**ITEM 9: FACILITIES
AND EQUIPMENT**

The Radioactive material is contained in the source head mounted above the conveyor as shown in ATTACHMENT I. The gauge is located on site as shown in the drawing ATTACHMENT II.

Ambient temperatures will not exceed the recommended operating temperature.

**ITEM 10:
RADIATION SAFETY
PROGRAM – SURVEY
INSTRUMENTS**

ETI shall provide all radiological services and provide radiation survey meters that meet the criteria in NUREG – 1556.

**ITEM 10:
RADIATION SAFETY
PROGRAM –
MATERIAL RECEIPT
AND
ACCOUNTABILITY**

Physical inventories shall be conducted by ETI or Cumberland Resources Corporation within six-month intervals during scheduled maintenance.

**ITEM 10:
RADIATION SAFETY
PROGRAM –
OCCUPATIONAL
DOSIMETRY**

Area and equipment surveys will be conducted at installation and six-month intervals to provide documented evidence that unmonitored individuals are not likely to receive a radiation dose in excess of 10% of the allowable limits in 10 CFR Part 20.

ETI will conduct these surveys and provide documentation to the Radiation Safety Officer of Cumberland Resources Corporation. Cumberland Resources Corporation will not provide dosimetry to personnel.

**ITEM 10:
RADIATION SAFETY
PROGRAM –
EMERGENCY
PROCEDURES**

In case of emergency, serious fire or explosion which could result in severe damage to the “nuclear gauge,” the following actions are to be taken:

1. Isolate the “nuclear gauge” to a minimum of 20 ft. by roping off the area or by other suitable means.
2. If possible, move the shutter control rod to the “OFF” position.
3. Limit access to the “nuclear gauge” (source housing) until a leak test and safety evaluation can be performed by a qualified person.
4. Keep personnel informed about the incident or emergency situation.
5. Obtain assurance from ETI Radiation Safety Officer at (865) 927-9330.
6. Make the required notification pursuant to regulatory

requirements if required.
Copies of emergency procedures shall be provided to all gauge users and posted at the job site.

**ITEM 10:
RADIATION SAFETY
PROGRAM – LEAK TEST**

Leak testing will be performed at 6-month intervals by ETI or by some other individual specifically licensed to perform leak testing, or by use of a leak testing kit. If a leak test kit is used, the procedure specified in the leak test kit will be followed.

**ITEM 10:
RADIATION SAFETY
PROGRAM - MAINTENANCE**

Installation, servicing, maintenance, nuclear gauge relocation or removal will be performed by ETI or by some other company specifically licensed to perform such services.

**ITEM 10:
RADIATION SAFETY
PROGRAM -
TRANSPORTATION**

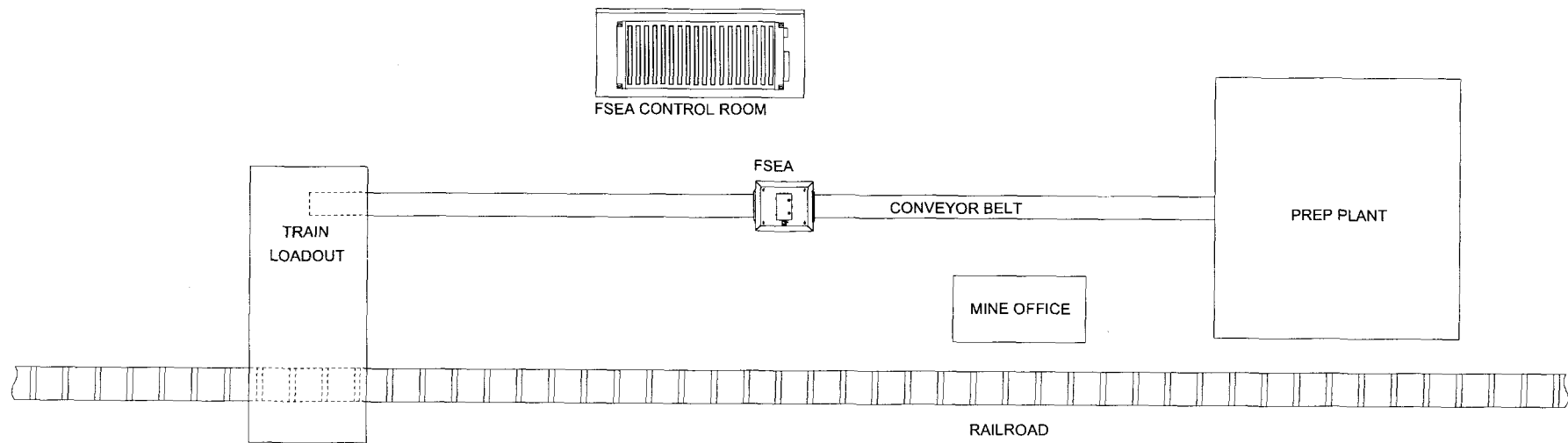
Radioactive material will be shipped directly from the supplier in a DOT approved container. ETI personnel shall perform transfer to gauge.

**ITEM 11:
WASTE MANAGEMENT –
GAUGE DISPOSAL AND
TRANSFER**

Licensed radioactive material will only be disposed of by having:

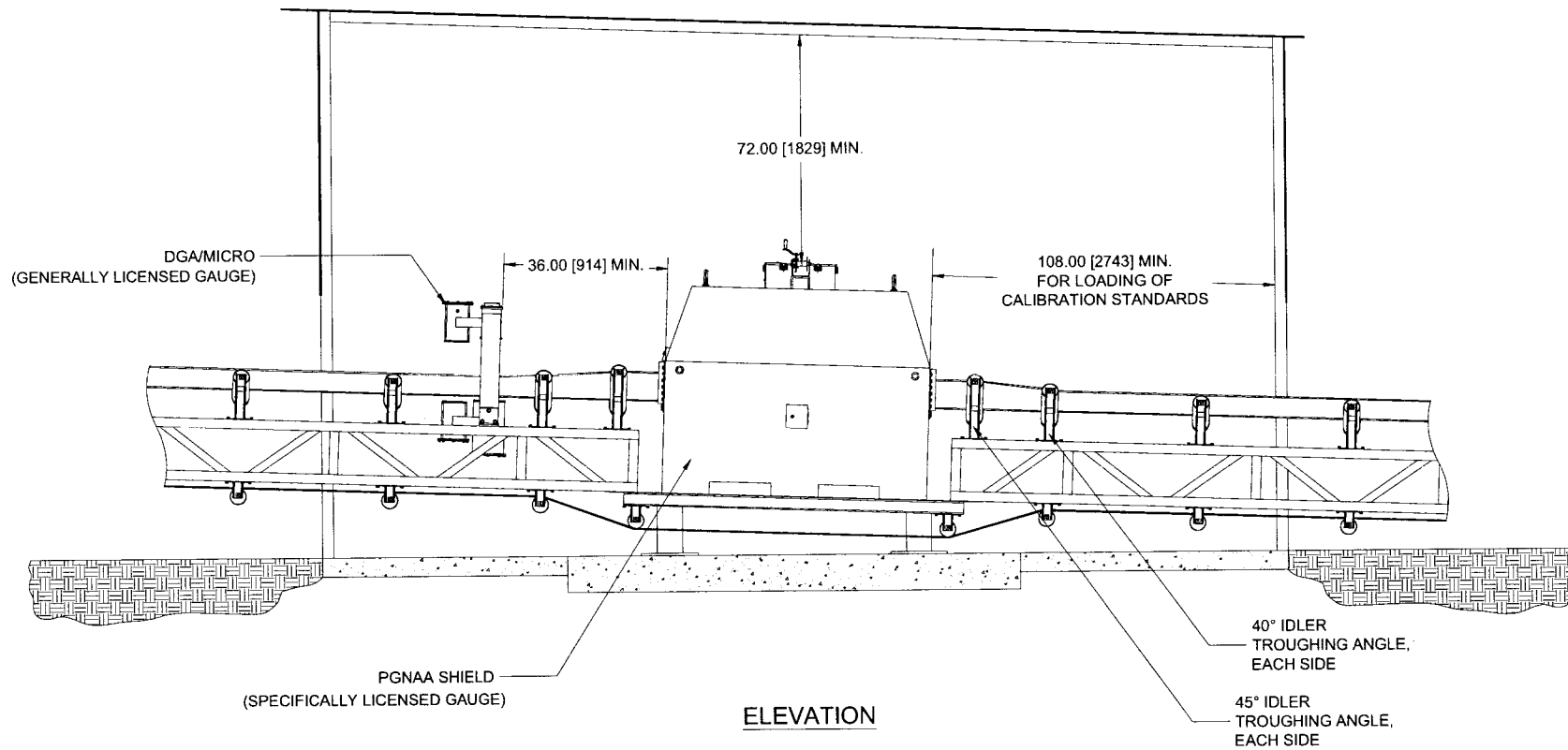
1. ETI remove and dispose of the “Nuclear gauge” or
2. A licensed disposal service or broker remove and dispose of the “nuclear gauge.”

NRC RADIOACTIVE MATERIALS LICENSE APPLICATION



ATTACHMENT I Cumberland Resources, Pigeon Creek

NRC RADIOACTIVE MATERIALS LICENSE APPLICATION



ATTACHMENT II
Cumberland Resources, Pigeon Creek

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

1/11/2008, and to inform you that the initial processing which includes an administrative review has been performed.

NEW LICENSE APPLICATION (03032601)

☐ 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 ¹⁵~~30~~ days of your receipt of this card

ATTACHMENT I & II MISSING FROM 1/11/2008 AMENDMENT REQUEST.

PHONE CALL TO SITE 1/14/2008 REFERENCED MISSING ATTACHMENTS

AND REQUESTING A RETURN CALL FOR POSSIBLE FAX OF ATTACHMENTS.

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.

NOTE: ATTACHMENTS I & II RECEIVED BY E-MAIL 1/16/2008 ~~THAT~~

Your action has been assigned Mail Control Number 141599.

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:

License Fee Management Branch, ARM
and
Regional Licensing Sections

: (FOR LFMS USE)
: INFORMATION FROM LTS
: -----
:
: Program Code: 03120
: Status Code: 3
: Fee Category: _____
: Exp. Date: 0
: Fee Comments: _____
: Decom Fin Assur Req'd: _
: ::::::::::::::::::::::::::::::::::::::

LICENSE FEE TRANSMITTAL

A. REGION I

1. APPLICATION ATTACHED

Applicant/Licensee: CUMBERLAND RESOURCES CORPORATION
Received Date: 20080114
Docket No: 3037601
Control No.: 141599
License No.: 45-31296-01
Action Type: New Licensee

2. FEE ATTACHED \$1,200.00
Amount:
Check No.: 665033

3. COMMENTS

Signed M. A. Perkins
Date 1/14/2008

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 _____