

Russ Lambert

P-2

From: Russ Lambert
Sent: Monday, July 23, 2007 4:35 PM
To: MTM1@nrc.gov
Subject: License cancellation
Attachments: Thermo possess.pdf; NR 47-25581-01 license.pdf

03035906

Ms. Miller,

I have been speaking with Nima Ashkeboussi at the NRC about the license for a specific device covered under 47-25581-01.

This device has not been with Brooks Run since October of 2004 and needs to be removed from our inventory. I have enclosed with this email a copy of the license as well as the transfer agreement between Brooks Run and Thermo MeasureTech.

Unfortunately, we have continued to pay the license renewal fee for this device, assuming it instead referred to the materials covered under the General license GL-63669-9.

Can you direct me in whatever steps may be necessary to clear this item from our source inventory and retrieve whatever amount may be applicable for the fees paid in March 2007?

Mr. Ashkeboussi has cleared the item from our reporting requirement for Category 3.5 materials.

If you have any other questions or need to contact me directly, I may be reached at 304.765.4338.

Thank you,

Russ Lambert

Russ Lambert
Brooks Run Mining Company LLC

142232

NMSS/FGN1 MATERIALS-002

3/28/2008

BrooksRun

MINING COMPANY, LLC.

**25 Little Birch Road/Sutton WV 26601
Ph. 304-765-4006 / Fax 304-765-0390**

March 28, 2008

**Marie Miller
Nuclear Regulatory Commission
475 Allendale Road
King of Prussia PA 19406**

RECEIVED
REGION 1
2008 APR -2 AM 12:29

03035906

**License Number 47-25581-01
Amendment
REQUEST TO TERMINATE**

Ms. Miller,

As per your instructions, I am sending this letter as an amendment to license 47-25581-01. This amendment covers a REQUEST TO TERMINATE.

Please see the attached correspondence detailing the transfer of the indicated device and its date of disposal.

If you have any other questions regarding this matter, please do not hesitate to call me at 304.765.4338. Thank you for your time and attention to this matter.

Sincerely,



**Russ Lambert
Brooks Run Mining Company LLC**

142232

Brooks Run

MINING COMPANY, LLC.

**25 Little Birch Road; Sutton WV 26601
Ph. 304-765-4006 / Fax 304-765-0390**

March 20, 2008

**United States Nuclear Regulatory Commission
Region II
Sam Nunn Atlanta Federal Center
23 T85
61 Forsyth Street, SW
Atlanta GA, 30303-8931**

Re: License # 47-25581-01

To Whom It May Concern:

We have tried, unsuccessfully for the past several years to surrender or relinquish the above referenced license. Several correspondence have been made to illustrate that we no longer possess the devices covered under the 47-25581-01 issuance, but to date we are still receiving the invoicing for annual fees. As a result, our accounting offices have inadvertently paid the fee for a number of years in confusion with the General License which we now possess GL-63669-9.

As a coal preparation facility, the Erbacon plant contains nuclear density gauges which operate on the radioactive element Cesium 137 (Cs137). The four (4) devices are duly registered and monitored in accordance with the regulations set forth by the Nuclear Regulatory Commission and are as follows:

**TN Technologies Kay-Ray/Sensall Inc.
Sealed Source Models 57157C and Kay-Ray Model 7700-Y
Manufacturer Model(s) – 7063P & 7062BP
Three (3) – 7063P devices
One (1) – 7062BP device**

The device for which the license 47-25581-01 was submitted, was transferred from Brooks Run in 2002 to ThermoElectron, 5788 Pacific Center Blvd., San Diego CA 92121. Documents related to this transfer are included as a part of this letter.

Subsequently, Brooks Run is requesting that license 47-25581-01 be removed from our company inventory and that future invoicing for annual fees be eliminated.

I hope this letter meets the requirements for surrender of the affect license and devices. If there are any other questions or concerns which need addressed, please do not hesitate to contact me at (304) 765-4338 or by email at rlambert@alphanr.com. Thank you.

Respectfully Submitted,


Russ Lambert

**Environmental Engineer
Brooks Run Mining Company**

Russ Lambert

From: Nima Ashkeboussi [NAA@nrc.gov]
Sent: Monday, July 23, 2007 1:47 PM
To: Russ Lambert
Subject: License Information

Attachments: NR 47-25581-01.pdf



NR
25581-01.pdf (358 KB)
Russ,

Per our conversation, attached is license number NR 47-25581-01. You indicated that Brooks Run Mining does not have any specifically licensed devices. Based on that information, I completed the 2007 Inventory for you.

For terminating your license, please contact the Region I office in King of Prussia, PA. The individual you should contact is:

Marie Miller
610-337-5205
MTM1@nrc.gov

Nima

MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee	In accordance with the letter dated February 26, 2003
1. Brooks Run Mining Company, LLC	3. License No. 47-25581-01 is amended in its entirety to read as follows:
2. 25 Little Birch Road Sutton, West Virginia 26601-9469	4. Expiration Date: March 31, 2012 5. Docket No. 030-35906
6. Byproduct, source, and/or special nuclear material A. Californium 252	7. Chemical and/or physical form A. Sealed neutron sources Frontier Technology Corporation Model 1003 Series 1003 8. Maximum amount that licensee may possess at any one time under this license A. No single source to exceed that specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission or an Agreement State
9. Authorized use: A. For elemental analysis of coal in Thermo Gamma-Metrics Model CB-HI Cross-Belt elemental analyzer fixed gauging devices in accordance with the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or with an Agreement State, and which have been distributed in accordance with a Commission or Agreement State specific license authorizing distribution to persons specifically authorized by a Commission or Agreement State license to receive, possess, and use the devices.	

CONDITIONS

10. Licensed material may be used only at the **Brooks Run Mining Company, LLC, Preparation Plant No.1**, located at 61 Missouri Run Road, Cowen, West Virginia.
11. Licensed material shall be used by, or under the supervision of individuals who have received the training described in the application dated December 18, 2001 and accompanying the letter received March 6, 2002.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License No.
47-25581-01Docket No.
030-35906Amendment No.
1

12. A. The Radiation Safety Officer (RSO) for this license is **Kerry Holliday**.
- B. Before assuming the duties and responsibilities as RSO for this license, the individual shall have successfully completed the training described in Criteria in Section 8.7.1 of NUREG-1556, Volume 4, dated October 1998.
13. A. Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State.
- B. In the absence of a certificate from a transferor indicating that a leak test has been made within the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State, prior to the transfer, a sealed source received from another person shall not be put into use until tested and the test results received.
- C. Sealed sources need not be tested if they are in storage, and are not being used. However, when they are removed from storage for use or transferred to another person and have not been tested within the required leak test interval, they shall be tested before use or transfer. No sealed source shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.
- D. The leak test shall be capable of detecting the presence of 185 becquerels (Bq) (0.005 microcurie) of radioactive material on the test sample. If the test reveals the presence of 185 Bq or more of removable contamination, a report shall be filed with the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 30.50(c)(2), and the source shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations.
- E. Tests for leakage and/or contamination, limited to leak test sample collection, shall be performed by the licensee or by other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services. The licensee is not authorized to perform the analysis; analysis of leak test samples must be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.
14. Sealed sources containing licensed material shall not be opened or sources removed from source holders by the licensee.
15. The licensee shall conduct a physical inventory every six months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License No.
47-25581-01Docket No.
030-35906Amendment No.
1

16. A. Each gauge shall be tested for the proper operation of the on-off mechanism (shutter) and indicator, if any, at intervals not to exceed six months or at such longer intervals as specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.210 or the equivalent regulations of an Agreement State.
- B. Notwithstanding the periodic on-off mechanism (shutter) and indicator test, the requirement does not apply to gauges that are stored, not being used, and have the shutter lock mechanism in a locked position. The gauges exempted from this periodic test shall be tested before use.
17. The following services shall **not** be performed by the licensee: installation, initial radiation surveys, relocation, removal from service, dismantling, alignment, replacement, disposal of the sealed source and non-routine maintenance or repair of components related to the radiological safety of the gauge (i.e., the sealed source, the source holder, source drive mechanism, on-off mechanism (shutter), shutter control, shielding). These services shall be performed only by persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.
18. The licensee may initially mount a gauge if permitted by the certificate of registration issued by the U.S. Nuclear Regulatory Commission or an Agreement State and under the following conditions:
- A. The gauge must be mounted in accordance with written instructions provided by the manufacturer;
- B. The gauge must be mounted in a location compatible with the "Conditions of Normal Use" and "Limitations and/or Other Considerations of Use" in the certificate of registration issued by the U.S. Nuclear Regulatory Commission or an Agreement State;
- C. The on-off mechanism (shutter) must be locked in the off position, if applicable, or the source must be otherwise fully shielded;
- D. The gauge must be received in good condition (i.e., package was not damaged).
- E. The gauge must not require any modification to fit in the proposed location.

Mounting does **not** include electrical connection, activation, or operation of the gauge. The source must remain fully shielded and the gauge may not be used until it is installed and made operational by a person specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such operations.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License No.
47-25581-01Docket No.
030-35906Amendment No.
1

19. A. The licensee may maintain, repair, or replace device components that are **not** related to the radiological safety of the device and that do not result in the potential for any portion of the body to come into contact with the primary beam or in increased radiation levels in accessible areas.
- B. The licensee may **not** maintain, repair, or replace any of the following device components: the sealed source, the source holder, source drive mechanism, on-off mechanism (shutter), shutter control, or shielding, or any other component related to the radiological safety of the device, except as provided otherwise by specific conditions of this license.
20. Prior to initial use and after installation, relocation, dismantling, alignment, or any other activity involving the source or removal of the shielding, the licensee shall assure that a radiological survey is performed to determine radiation levels in accessible areas around, above, and below the gauge with the shutter open. This survey shall be performed only by persons authorized to perform such services by the U.S. Nuclear Regulatory Commission or an Agreement State.
21. The licensee shall operate each gauge containing licensed material, within the manufacturer's specified temperature and environmental limits such that the shielding and shutter mechanism of the source holder are not compromised.
22. The licensee shall assure that the shutter mechanism of each device containing licensed material, is locked in the closed position during periods when a portion of an individual's body may be subject to the direct radiation beam. The licensee shall review and modify, as appropriate, its "lock-out" procedures whenever a new device is obtained to incorporate the device manufacturer's recommendations.
23. Except for maintaining labeling as required by 10 CFR Part 20, or 71, the licensee shall obtain authorization from the U.S. Nuclear Regulatory Commission before making any changes in the sealed source, device, or source-device combination that would alter the description or specifications as indicated in the respective certificate of registration issued either by the Commission pursuant to 10 CFR 32.210 or by an Agreement State.
24. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified in 10 CFR 30.35(d) for establishing decommissioning financial assurance.
25. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

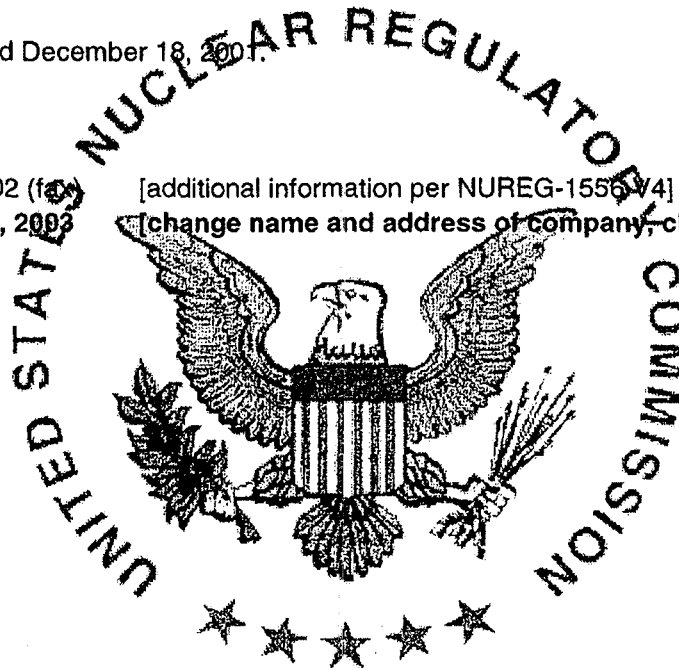
**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License No.
47-25581-01Docket No.
030-35906Amendment No.
1

26. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.

A. Application dated December 18, 2001.

B. Letters dated :

- 1) March 6, 2002 (for [additional information per NUREG-1556 V4])
- 2) February 26, 2003 [change name and address of company, change RSO]



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date MAR 25 2003

BY

David J. Collins
Region II, Division of Nuclear Materials Safety
61 Forsyth Street, SW, Suite 23T85
Atlanta, Georgia 30303-8931

ThermoElectron

5788 Pacific Center Blvd.
San Diego, CA 92121
1.858.450.9811

Source Acquisition Form

I Mark S. Workmen of Brooks Run Mining Co, LLC do hereby
authorize Thermo Electron to take possession of the radioactive sealed sources listed
below.



Signature

10-25-07

Date

Source Information

Manufacturer	Model	Serial No.	Isotope	Source Activity	Units	Assay Date
Frontier Technology	FTC-100	CF-Z1741	Cf-252	19.46	ug	4/11/2002

Thermo Gamma-Metrics

Quality Solutions

A Thermo Electron Company
5788 Pacific Center Blvd. San Diego, CA 92121 tel: (858) 450-9811 fax: (858) 548-1734

LEAK TEST CERTIFICATE

Source Wipe ☒ Radiation Survey ☐ Source Replenishment ☐ Shipping ☐ Source Removal ☐ Other ☐ Installation ☐

Customer Name: Brooks Run Mining	Site: Brooks Run Prep. Plant
RSO: JERRY VARNER	
Location of Source: Thermo Gamma-Metrics ECa	PO:
Performed By: David M. Milam	Analyzer: 860002
	Test Date: 10/25/2004

Currently, state and Federally issued radioactive materials licenses define a sealed radiation source as leaking if removable contamination is found to be equal to or greater than 0.005 microcuries.

This is to certify that the following listed and described items have been tested according to American National Standards Institute N5.10-1968 Appendix B Section B2.1, Wipe (Smear) Test. The level(s) of removable contamination observed on the surface of the sources are listed as follows:

Neutron REM Detector	ION Chamber Survey Meter	Portable Countrate Meter	Pancake Probe
Manufacturer:	Manufacturer:	Manufacturer: Eberline	Manufacturer: Eberline
Serial #:	Serial #:	Serial #: 01748	Serial #: 00509
Model #	Model #	Model # E600	Model # SHP360

Source Reference Date : 10/25/2004

Californium 252 Source Serial Number	Reference Activity Cf in μ g	Removable Surface Contamination μ Ci
CF-Z1741	10.00	<0.005

Californium is checked for Alpha, Beta and Gamma contamination.
From the recorded results, there is no indication of leakage from the source(s).

Test Performed By: David M. Milam

Date: 10/25/2004

Signature: 

Thermo Gamma-Metrics

Quality Solutions

A Thermo Electron Company
5788 Pacific Center Blvd., San Diego, CA 92121 tel: (858) 450-9811 fax: (858) 546-1734

LEAK TEST CERTIFICATE

Source Wipe ☒
Radiation Survey ☐

Source Replenishment ☐
Shipping ☒

Source Removal ☒
Other ☐

Installation ☐

Customer Name: Brooks Run Mining	Site: Brooks Run Prep. Plant
RSO: JERRY VAAVER	
Location of Source: Shipping Drum	PO:
Performed By: David M. Milam	Analyzer: 860002
	Test Date: 10/25/2004

Currently, state and Federally issued radioactive materials licenses define a sealed radiation source as leaking if removable contamination is found to be equal to or greater than 0.005 microcuries.

This is to certify that the following listed and described items have been tested according to American National Standards Institute N5.10-1968 Appendix B Section B2.1, Wipe (Smear) Test. The level(s) of removable contamination observed on the surface of the sources are listed as follows:

Neutron REM Detector	ION Chamber Survey Meter	Portable Countrate Meter	Pancake Probe
Manufacturer:	Manufacturer:	Manufacturer: Eberline	Manufacturer: Eberline
Serial #:	Serial #:	Serial #: 01748	Serial #: 00509
Model #	Model #	Model # E600	Model # SHP360

Source Reference Date : 10/25/2004

Californium 252 Source Serial Number	Reference Activity Cf in μg	Removable Surface Contamination μCi
CF-Z1741	10.00	<0.005

Californium is checked for Alpha, Beta and Gamma contamination.
From the recorded results, there is no indication of leakage from the source(s).

Test Performed By: David M. Milam

Date: 10/25/2004

Signature: 

ThermoElectron

5788 Pacific Center Blvd.
San Diego, CA 92121
1.858.450.9811

ACKNOWLEDGEMENT OF RECEIPT OF RADIOACTIVE MATERIALS

Dear Mark Workman

This is to certify that Thermo Electron has received and accepted ownership of the radioactive material described below, pursuant to applicable regulations and as authorized by our Radioactive Material License Number 3775-37 Amendment 47.

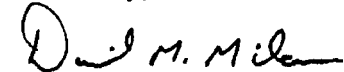
Manufacturer	Model	Serial No.	Isotope	Source Activity	Units	Assay Date
Frontier Technology	FTC-100	CF-Z1741	Cf-252	19.46	ug	4/11/2002

This receipt should be retained in your files as a permanent record showing the disposition of this radioactive material. If you are not the Radiation Safety Officer, or you are not responsible for maintaining regulatory records for radioactive material, please forward this letter to the appropriate person.

If you have any questions or require additional assistance, please contact us at:

Thermo Electron, 5788 Pacific Center Blvd., San Diego CA 92121 858.450.9811

Yours truly,



David M. Milam

Date: 25 October 2004

U.S. NRC

About NRC

Nuclear Reactors

Nuclear Materials

Radioactive Waste

Nuclear Security

Public Meetings & Involvement

Find By NRC Region

[Region I](#)
[Region II](#)
[Region III](#)
[Region IV](#)

Find By State

[Alabama \(AL\)](#)
[Alaska \(AK\)](#)
[Arizona \(AZ\)](#)
[Arkansas \(AR\)](#)
[California \(CA\)](#)
[Colorado \(CO\)](#)
[Connecticut \(CT\)](#)
[Delaware \(DE\)](#)
[Florida \(FL\)](#)
[Georgia \(GA\)](#)
[Hawaii \(HI\)](#)
[Idaho \(ID\)](#)
[Illinois \(IL\)](#)
[Indiana \(IN\)](#)
[Iowa \(IA\)](#)
[Kansas \(KS\)](#)
[Kentucky \(KY\)](#)
[Louisiana \(LA\)](#)
[Maine \(ME\)](#)
[Maryland \(MD\)](#)
[Massachusetts \(MA\)](#)
[Michigan \(MI\)](#)
[Minnesota \(MN\)](#)
[Mississippi \(MS\)](#)
[Missouri \(MO\)](#)
[Montana \(MT\)](#)
[Nebraska \(NE\)](#)
[Nevada \(NV\)](#)
[New York \(NY\)](#)
[New Hampshire \(NH\)](#)
[New Jersey \(NJ\)](#)
[New Mexico \(NM\)](#)
[North Dakota \(ND\)](#)
[North Carolina \(NC\)](#)
[Ohio \(OH\)](#)
[Oklahoma \(OK\)](#)
[Oregon \(OR\)](#)
[Pennsylvania \(PA\)](#)
[Puerto Rico \(PR\)](#)
[Home](#) > [Facility Info Finder](#) > [Operating Nuclear Power Reactors by Region or State](#) > [Region II](#)

Region II Jurisdiction

U.S. NRC Region II

Sam Nunn Atlanta Federal Center, 23 T85

61 Forsyth Street, SW

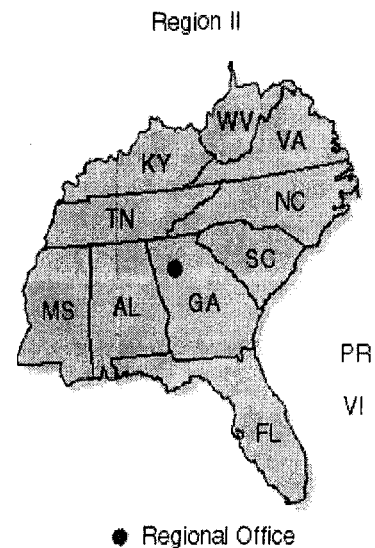
Atlanta GA 30303-8931

On this page:

- [Area Covered by Region II](#)
- [Types and Numbers of Licensees in Region II](#)

Related pages:

- [Region II Location](#)
- [Region II Organization](#)
- [Public Meetings in Region II](#)
- [Contact the Public Affairs Office in Region II](#)



● Regional Office

Area Covered by Region II

Alabama (AL)*, Florida (FL)*, Georgia (GA)*, Kentucky (KY)*, North Carolina (NC), Puerto Rico (PR), South Carolina (SC)*, Tennessee (TN)*, Virginia (VA), Virgin Islands (VI), and West Virginia (WV).

* These states are "Agreement States" which have assumed the regulation of radioactive materials with the exception of nuclear reactors, fuel facilities, and certain other facilities.

Types and Numbers of Licensees in Region II

Nuclear Power Reactors: 33 (located at 18 sites)

Research and Test Reactors: 17

Fuel Facilities:

-Major Facilities 6

-Uranium Milling Facilities 0

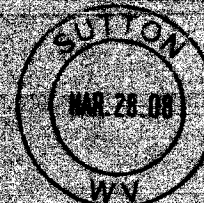
Brooks Run Mining Company, LLC
25 Little Birch Road
Sutton, WV 26601

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

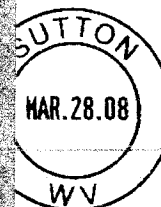
CERTIFIED MAIL™



7004 1160 0003 3083 8239



7770000000



000000445



Marie Miller
Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

14-2232