

Nuclear Materials Licensing Branch
US Nuclear Regulatory Commission, Region IV
612 E. Lamar Boulevard, Suite 400
Arlington, TX 76011-4125

RECEIVED

JUL 11 2011

DNMS

July 6th, 2011

Dear Sir/Madam

Attached please find NRC Form 313, Application for Amendment to license No. 25-29348-01 (Docket No. 030-38041), and correspondence from our contractor, Thermo Fisher Scientific, stating the reason for the amendment. Items 5 and 7 on NRC Form 313 are the only areas needing amendment, and as such, are the only sections addressed in this application.

Thank you,

Handwritten signature of Kayla Aspen in black ink.

Kayla Aspen

Industrial Hygiene Specialist/RSO

Western Energy Co.

(406)748-5228

kaspen@westmoreland.com

No. 575569

NRC FORM 313 (3-2009) 10 CFR 30, 32, 33, 34, 35, 36, 39, and 40	U.S. NUCLEAR REGULATORY COMMISSION	APPROVED BY OMB: NO. 3150-0120 Estimated burden per response to comply with this mandatory collection request: 4.3 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.resource@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.	EXPIRES: 3/31/2012
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: OFFICE OF FEDERAL & STATE MATERIALS AND ENVIRONMENTAL MANAGEMENT PROGRAMS DIVISION OF MATERIALS SAFETY AND STATE AGREEMENTS U.S. NUCLEAR REGULATORY COMMISSION WASHINGTON, DC 20555-0001	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
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	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 612 E. LAMAR BOULEVARD, SUITE 400 ARLINGTON, TX 76011-4125

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 <i>(Check appropriate item)</i> <input type="checkbox"/> A. NEW LICENSE <input checked="" type="checkbox"/> B. AMENDMENT TO LICENSE NUMBER <u>25-29348-01</u> <input type="checkbox"/> C. RENEWAL OF LICENSE NUMBER _____	2. NAME AND MAILING ADDRESS OF APPLICANT <i>(Include ZIP code)</i> Western Energy Company Kent Salitros, President PO Box 99 Colstrip, MT 59323
3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED Western Energy Company 114 Rosebud Lane, Area D Tipple Colstrip, MT 59323	4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION Kayla Aspen, RSO TELEPHONE NUMBER <p style="text-align: center; font-size: 1.1em;">(406) 748-5228</p>

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 <i>(See 10 CFR 170 and Section 170.31)</i> <table style="width:100%; border: none;"> <tr> <td style="border: none;">FEE CATEGORY</td> <td style="border: none; text-align: right;">AMOUNT ENCLOSED</td> <td style="border: none; text-align: right;">\$ 0.00</td> </tr> </table>	FEE CATEGORY	AMOUNT ENCLOSED	\$ 0.00
FEE CATEGORY	AMOUNT ENCLOSED	\$ 0.00		

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 Kent Salitros, President of Western Energy Company	SIGNATURE 	DATE 7/7/11
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FOR NRC USE ONLY

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

5. Radioactive Material

- Attached is the information for potential sealed sources to be provided by Thermofisher Scientific for the CQM on-line analyzer. The following items are provided within the attachments: a.) element and mass number b.) chemical and/or physical form; and c.) maximum amount that will be possessed at any one time

Aspen, Kayla

From: Garcia, J [j.garcia@thermofisher.com]
Sent: Monday, June 13, 2011 11:28 AM
To: Aspen, Kayla
Subject: RE: Updated License-Request to update Radioactive Material License for californium (Cf-252)
Attachments: 10460101_2011.pdf

Kayla,
We have added two new Cf-252 vendors. Please see message below.

In order to provide the maximum flexibility in purchasing Cf-252 sources for the Thermo Scientific CQM on your site, we highly recommend that your **Radioactive Material License** be amended as soon as possible to add two additional californium source suppliers noted below. This action will help avoid unwanted delays at the time of source replenishment since the demand for Cf-252 has almost doubled in the past five years and we feel it is in your best interest to have this flexibility in source suppliers.

Together with their respective model numbers, the two new suppliers are:

General Electric Hitachi—GEN-Cf-100 Series
Eckert & Ziegler— 3004, 3014, N-252 Series

You should retain the other three suppliers already listed in your Radioactive Material License. The net effect will be to CA 1046D101B.

Copies of these device registries are available upon request in hardcopy and electronic format for your amendment request. In addition, any assistance you may need for this revision request to the NRC is also available. If you need clarification or have any questions in this matter, please contact me directly. Once the RML has been revised, please forward a copy for our records.

Best regards and thanks in advance,

Please call or email me if you have any questions.

Thanks,

Jose

From: Aspen, Kayla [<mailto:kaspen@westmoreland.com>]
Sent: Friday, December 17, 2010 12:18 PM
To: Garcia, J
Subject: Updated License
Importance: High

Hey Jose,

7. Individual responsible for Radiation Safety Program and their training experience

- The Radiation Safety Officer (RSO) will be Kayla Aspen, Industrial Hygiene Specialist for Western Energy Company, (406) 748-52278. Ms. Aspen has a BS in Environmental Health from Colorado State University. Ms. Aspen attended RSO certified training in La Jolla, California through Nevada Technical Associates, INC. The back up RSO will be Nora Buchholz, Safety Manager for Western Energy Company, (406) 748-5116. Mrs. Buchholz has a BS in Geological Engineering with an emphasis on hydrology from Montana Tech and a MS in Industrial Hygiene from Montana Tech. Mrs. Buchholz attended RSO certified training in Denver, Colorado through Nevada Technical Associates, INC. The corresponding RSO certificates of training will be filed and kept for permanent record.
- Western Energy Company will perform no major maintenance or repair to the CQM on-line analyzer (GC/XRF). Western Energy Company will not perform any maintenance operation that involves removal or repair of sealed sources containing radioactive material. Maintenance or repair will be performed by an authorized/qualified third party. Western Energy Company will perform routine maintenance and inspections as recommended in the CQM operating and safety manual.
- The role of Western Energy Company and its employees shall be to operate, monitor, and store the data provided by the CQM on-line analyzer and routine maintenance, troubleshooting, and inspections. Operational training, installation, sealed source replacement or repair, and major maintenance shall be provided by Thermo Fisher Scientific or other qualified/certified personnel.
- As per Appendix D, item 7: since no repair of radioactive materials will be done by Western Energy Company employees, then no specific training and experience in the use and handling of radioactive materials is necessary for individuals who will use the device(s) or supervise its use.

JUL 12 2011

DATE

This is to acknowledge the receipt of your letter/application dated 7/6/11, and to inform you that the initial processing, which includes an administrative review, has been performed.

There were no administrative omissions. Your application will be assigned to a technical reviewer. Please note that the technical review may identify additional omissions or require additional information.

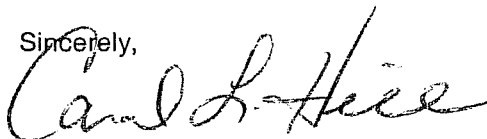
Please provide to this office within 30 days of your receipt of this card:

The action you requested is normally processed within 90 days.

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** 575569.
When calling to inquire about this action, please refer to this mail control number.
You may call me at 817-860-8103.

Sincerely,



Licensing Assistant

BETWEEN:

Accounts Receivable/Payable
and
Regional Licensing Branches

[FOR ARPB USE]
INFORMATION FROM LTS

Program Code: 03120
Status Code: Pending Amendment
Fee Category: 3P
Exp. Date:
Fee Comments:
Decom Fin Assur Req: N

License Fee Worksheet - License Fee Transmittal

A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: WESTERN ENERGY COMPANY
Received Date: 07/11/2011
Docket Number: 3038041
Mail Control Number: 575569
License Number: 25-29348-01
Action Type: Amendment

2. FEE ATTACHED

Amount: _____

Check No.: _____

3. COMMENTS

Signed: Carol B. Hee

Date: 7/12/11

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: _____

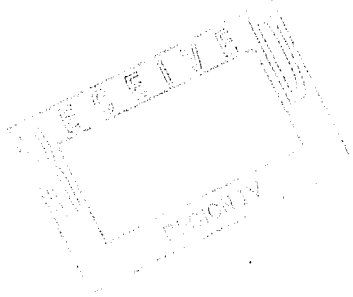
TERN ENERGY COMPANY

Vestmoreland Mining LLC Company
P.O. BOX 99
COLSTRIP, MONTANA 59323

First Class Mail
Combisort Price



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