NRC FORM 313 (8-1999) 10 CFR 30, 32, 33 34, 35, 36, 39 and 40

U. S. NUCLEAR REGULATORY COMMISSION

APPROVED BY OMB: NO. 3150-0120 EXPIRES: 08/31/2002

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 bjs1@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.

APPLICATION FOR MATERIAL 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:

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 23T85
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

03031598
X

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
- [x] C. RENEWAL OF LICENSE NUMBER 47-23771-01

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

Foxfire Consultants, Inc.
P.O. Box 1778
Gilbert WV 25621

3 ADDRESS(ES) WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

Foxfire Consults, Inc./Gilbert Coal Testing
County Route 80
Gilbert WV 25621
And Temporary Sites throughout the U.S.

4 NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

Dusty Nagle

TELEPHONE NUMBER 304-664-2223

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 / AMOUNT ENCLOSED $

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	SIGNATURE	DATE
Dusty Nagle	By Dusty Nagle	4-18-05

RECEIVED
REGION 1
APR 25 AM 8:05

FOR NRC USE ONLY

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

136930

NMSS/RGN1 MATERIALS-002

ITEM 5

a. Radioisotope	b. Form	c. Troxler Drawing #	d. Maximum Amount
A. Cs-137	Special Form	A-102112	Not to exceed 9 mCi pr source
B. Am241 : Be	Special Form	A-102451	Not to exceed 44 mCi per source
C. Am241 : Be	Special Form	A-102700	Not to exceed 10 mCi per source
D. Am241 : Be	Special Form	A-100608 or A-100337	Not to exceed 300 mCi per source
E. Cs-137	Special Form	A-100601	Not to exceed 6 mCi per source

ITEM 6

A. For use in a Troxler model 3400 series, and/or 4640, and/or 4545, and/or 3565 portable measuring gauge.

B. For use in a Troxler model 3400 series, and/or 3216, and/or 3218 portable measuring gauge.

C. For use in a Troxler model 3200 series, and/or 3300 series portable measuring gauge.

D. For use in a Troxler model 3241 portable measuring gauge.

E. For use in a Troxler model 2376 portable measuring gauge.

ITEM 7

Dusty Nagle has been designated as the company Radiation Safety Officer. A copy of his Troxler Nuclear Gauge Training Certificate is attached for your review. The duties of the Radiation Safety Officer are listed in Item 10.

TROXLER ELECTRONIC LABORATORIES, INC.

HEREBY CERTIFIES THAT

DUSTY NAGLE

of

SAMMONS SURVEYING

HAS SUCCESSFULLY COMPLETED THE TROXLER ELECTRONIC LABORATORIES, INC. TRAINING COURSE FOR THE USE OF NUCLEAR TESTING EQUIPMENT.

SUBJECTS INCLUDED IN THIS COURSE WERE AS FOLLOWS:

Radiological Safety

1. *Principles and practices of radiation protection.*
2. *Leak testing procedures.*
3. *Mathematics and calculations basic to the use and measurement of radioactivity.*
4. *Biological effects of radiation.*
5. *Radioactivity measurement standardization and monitoring techniques and instruments.*
6. *Accident and incident procedures.*
7. *Procedures for nuclear gauge storage and transportation.*
8. *General safety precautions.*

Gauge Operation

1. *Instrument theory*
2. *Operating procedures*
3. *Maintenance*
4. *Field application*
5. *Gauge calibration*

Frank Jones
INSTRUCTOR

February 1, 1990
DATE

William F. Troxler
PRESIDENT

№ 30969

HAZMAT Certification

as required by U.S. DOT and IATA

This certifies that

Dusty Nagle

has been trained and tested in accordance with the U.S. Department of Transportation and International Air Transport Association (IATA) hazardous material requirements for general awareness/familiarization, function-specific, and safety training as related to the transportation of nuclear gauges. A description of the training course materials is available from Troxler Electronic Laboratories, Inc.

12/03/2003	12/03/2005	12/03/2006	Harvey Dunlevy
Training Date	*Expiration per IATA**	*Expiration per USDOT**	*Instructor*

**** For shipments by air, the IATA expiration date is applicable. For shipments by highway, the USDOT expiration is applicable.***

Troxler Electronic Laboratories, Inc.
PO Box 12057 • 3008 Cornwallis Rd. • Research Triangle Park, NC 27709
Phone: (919) 549-8661 • Fax: (919) 549-0761 • www.troxlerlabs.com

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Certified by

Company Official: DUSTY NAGLE
Company Name: Foxfire Consultants, Inc.
Company Address: P.O. Box 1778
Gilbert WV 25621

Enrollment ID: **6151**

ITEM 8

Each individual that will operate the nuclear gauge will complete the Troxler nuclear gauge training course, read and understand our radiation safety procedure; complete Hazmat training course every three years, and be approved by our Radiation Safety Officer. Copies of each individuals training certificate will be maintained on file.

ITEM 9

A. Sketch of storage facility is attached.

B. Equipment:

Foxfire Consultants, Inc., has an agreement with Tim Martin, Manager Radiation Department at Appalachian Regional Hospital at South Williamson, KY for the use of their Geiger counter if the need arises. This facility is approximately twenty eight (28) miles from our location.

C. Personnel Monitoring:

Troxler Monitoring Services
Division of Troxler Electronic Laboratories, Inc.
PO Box 12057
Research Triangle Park, North Carolina 27709

Type: Thermoluminescent Dosimeter (TLD)
Exchange Frequency: Quarterly

ITEM 10

Radiation Safety Program

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

A. To ensure that all terms and conditions of the license are being met and that the information contained in the license is up-to-date.

B. To ensure that the equipment has been leak tested in the required timely manner and that the leak test is performed in the manner prescribed by the equipment manufacturer.

C. 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 when utilizing the equipment. Personnel monitoring equipment will consist of Thermoluminescent Dosimeter supplied by Troxler Monitoring Services on a quarterly exchange period.

D. To maintain the records as required by the license and the regulations. These records shall include personnel exposure records, leak test records and training certificates for all users.

E. To ensure that the equipment is properly secured against unauthorized removal at all times when it is not in use.

F. To serve as a point of contact and give assistance in case of emergency such as equipment damaged in the field or theft and to notify the proper authorities in case of emergency.

G. To ensure that all users have read and understand the radiation safety operating and emergency procedures.

Operating Procedures:

Transportation of Equipment:

A. Care shall be taken to ensure that the equipment is tightly secured to the transporting vehicle and positioned as far as practical from the occupant compartment (s). When transporting in an enclosed vehicle, the gauge will be securely fastened and locked to the truck bed. Additionally, the gauge will be covered by a locked bed cover.

ITEM 10 (cont.)

B. The gauge will be transported in the Troxler transportation case. Department of Transportation requires that the gauge be transported in a properly labeled carrying case.

C. At all times during transport, the operator will have a properly completed Bill of Lading for each gauge.

Utilization procedures

A. When the gauge is in the field, you as the authorized user must maintain control over the gauge at all times. The gauge must never be left unattended.

B. When not making 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 for its intended purpose only. By doing so, you will maintain any radiation exposure to as low as reasonably attainable.

C. When using the equipment, you will wear personnel monitoring device that has been assigned to you. When you are not using the equipment, your monitoring device is to be stored in the radiation free area that has been designated in the office.

Maintenance and Leak Test Procedures.

A. Periodic maintenance will include cleaning the gauge. During any maintenance, you must wear your personnel monitoring device.

B. No maintenance will be performed in which the radioactive source is removed from the gauge. For this type of maintenance, the gauge will be returned to the manufacturer.

C. The leak test will be performed using the Troxler Model 3880 Leak Test Kit. The leak test will be performed using the manufacturer's instructions. Again the personnel monitoring device will be employed. Gauges will be leak tested at intervals not to exceed six (6) months.

ITEM 10 (cont.)

Emergency Procedures.

In the event of physical damage to a gauge, the following will be performed:

A. Immediately cordon off an area around the gauge. An area radius of 15 feet will be sufficient.

B. If a vehicle is involved, it must be stopped until the extent of contamination, if any, can be established.

C. A visual inspection of the gauge is to be made to determine if the source housing and/or shielding has been damaged.

D. At the earliest possible time, when the situation is under control, you must contact the Radiation Safety Officer at (304) 664-2223 (main office), [redacted] (home) or [redacted] Describe the present conditions and follow the instructions of the Radiation Safety Officer.

E. In the event the gauge is lost or stolen, immediately notify the Radiation Safety Officer at the numbers listed above.

ITEM 11

Waste Management:

Disposal of any gauges will be by transfer to another facility specifically licensed for the material; or returned to the gauge manufacturer. Records of transfer will be maintained on file.

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

4/18/2005, and to inform you that the initial processing which includes an administrative review has been performed.

Renew 47-23771-01

☒ 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

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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** 136930.
When calling to inquire about this action, please refer to this control number.
You may call us on (610) 337-5398, or 337-5260.

NRC FORM 532 (RI)
(6-96)

Sincerely,
Licensing Assistance Team Leader

BETWEEN:

License Fee Management Branch, ARM
and
Regional Licensing Sections

(FOR LFMS USE)
INFORMATION FROM LTS

Program Code: 03121
Status Code: 2
Fee Category: 3P
Exp. Date: 20050531
Fee Comments: _____
Decom Fin Assur Reqd: N

LICENSE FEE TRANSMITTAL

A. REGION 1

1. APPLICATION ATTACHED
   Applicant/Licensee: FOXFIRE CONSULTANTS, INC.
   Received Date: 20050425
   Docket No: 3031598
   Control No.: 136930
   License No.: 47-23771-01
   Action Type: Renewal

2. FEE ATTACHED
   Amount: /
   Check No.: /

3. COMMENTS

Signed Rebecca Jurado
Date 4/27/2005

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 _____