

OFFICIAL RECORD COPY MATERIALS LICENSE

Amendment No. 02

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-478) 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.

DL-032696-06

Licensee

1. American Bituminous Power Partners, L.P.

2. P. O. Box 129
Grant Town, WV 26574

In accordance with the letter dated March 7, 1996

3. License Number 47-25170-01

is amended in its entirety to read as follows:

4. Expiration Date November 30, 2001

5. Docket or Reference No. 030-32519

6. Byproduct, Source, and/or Special Nuclear Material

7. Chemical and/or Physical Form

8. Maximum Amount that Licensee May Possess at Any One Time Under This License

A. Cesium 137

A. Sealed sources registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation

A. 3 sources not to exceed 200 millicuries each

9. Authorized Use:

A. Sealed sources contained in Texas Nuclear non-portable gauging devices which have been registered pursuant to 10 CFR 32.210 and distributed in accordance with an NRC or Agreement State License for measuring properties of materials and/or controlling industrial processes

CONDITIONS

10. Licensed material shall be used only at the licensee's 80 MW Waste Coal Project, located approximately 1 and 1/2 miles east of Grant Town, West Virginia, off WV Highway 17.

11. The Radiation Protection Officer for the activities authorized by this license is Thomas Dougherty

12. Licensee material shall be used by, or under the supervision and in the physical presence of, Thomas Dougherty or individuals who have been trained as specified in application dated September 13, 1991. The licensee shall maintain records of individuals designated as users.

030003

MLD

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

47-25170-01

Docket or Reference Number

030-32519

Amendment No. 02

CONDITIONS

Continued -

13. A.(1) The sources specified in Item 7, shall be tested for leakage and/or contamination at intervals not to exceed 3 years. Any source received from another person which is not accompanied by a certificate indicating that a test was performed within 6 months before the transfer shall not be put into use until tested.
- (2) Notwithstanding the periodic leak test required by this condition, any licensed sealed source is exempt from such leak tests when the source contains 100 microcuries or less of beta and/or gamma emitting material or 10 microcuries or less of alpha emitting material.
- B. Any source in storage and not being used need not be tested. When the source is removed from storage for use or transfer to another person, it shall be tested before use or transfer.
- C. The test shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie or more of removable contamination, the source shall be removed from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. A report shall be filed within 5 days of the date the leak test result is known with the U. S. Nuclear Regulatory Commission, Region II, Division of Nuclear Materials Safety, Nuclear Materials Licensing/Inspection Branch, 101 Marietta Street, Suite 2900, Atlanta, Georgia 30323. The report shall specify the source involved, the test results, and corrective action taken. Records of leak test results shall be kept in units of microcuries and shall be maintained for inspection by the Commission. Records may be disposed of following Commission inspection.
- D. Tests for leakage and/or contamination shall be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.
14. Each gauge shall be tested for the proper operation of the on-off mechanism and indicator, if any, upon installation and at intervals not to exceed three years, and at the same interval as the leak test specified in Condition 13.
15. Installation, initial radiation survey, relocation, removal from service, maintenance, and repair of devices containing sealed sources and installation, replacement, and disposal of sealed sources shall be performed only by persons specifically licensed by the Commission or an Agreement State to perform such services.
16. Sealed sources containing licensed material shall not be opened or removed from moisture/density gauges by the licensee.
17. Notwithstanding the requirements of 10 CFR 20.105(b), the licensee is authorized to create radiation levels of up to 0.6 mR/hr at three feet from fixed gauging devices registered pursuant to 10 CFR 30.210 and installed in accordance with the provisions of an NRC or Agreement State license and in such a manner that no person is likely to receive doses to a major portion of the whole body in excess of 0.500 rem per calendar year.
18. The licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under this license. Records of inventories shall be maintained for 2 years from the date of each inventory.
19. The licensee shall maintain records of information important to safe and effective decommissioning at the location listed in Condition 10 pursuant to the provisions of 10 CFR 30.35(g) until this license is terminated by the Commission.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

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|----------------------------|-------------|
| License Number | 47-25170-01 |
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CONDITIONS

Continued -

- 20. In addition to the possession limits in Item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum specified 10 CFR 30.35(d) for establishing decommissioning financial assurance.
- 21. Notwithstanding the provisions of Condition 15, the licensee is authorized to perform the initial mounting of devices containing licensed material, provided that the device "on-off" mechanism remains in the "off" position and the device manufacturer's written installation procedures are followed.
- 22. 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 enclosures, listed below. The 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 September 13, 1991 [new license]
 - B. Letter dated April 6, 1995 [change RSO]
 - C. Letter dated March 7, 1996 [change RSO]

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

JAY L HENSON

Date MAR 26 1996

By Jay L Henson
 Region II, Division of Nuclear Materials Safety
 101 Marietta Street N.W., Suite 2000
 Atlanta, GA 30323

J 3/27/96
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(FOR LFMS USE)
INFORMATION FROM LTS

Program Code: 03120
Status Code: 0
Fee Category: 3p
Exp. Date: 2001130
Fee Comments:
Decom Fin Assur Req'd: M

BETWEEN:
License Fee Management Branch, ARM
and
Regional Licensing Sections

LICENSE FEE TRANSMITTAL

A. REGION: 11

1. APPLICATION ATTACHED

Applicant/Licensee: AMERICAN BUTLUMINOUS POWER PARTNERS
Received Date: 960312
Docket No.: 3032519
Control No.: 256980
License No.: 47-25170-01
Action Type: Amendment

2. FEE ATTACHED
Amount: 444.00
Check No.: 2422

3. COMMENTS

Signed: [Signature]
Date: 3/13/96

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered)

- 1. Fee Category and Amount: 3p 444.00
- 2. Correct Fee Paid. Application may be processed for:
Amendment [initials]
Renewal [initials]
License [initials]
- 3. OTHER: Bill Stankovic

Signed: [Signature]
Date: 3/13/96

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|------------------|---------------------------|
| LCB | Mar 3 4 |
| Remitter | Minister Enterprises, Inc |
| Check No. | 2422 |
| Amount | \$400.00 |
| Fee Category | 3p |
| Type of Fee | Amend |
| Date Check Rec'd | 3/13/96 |
| Date Completed | 3/13/96 |
| By: | [Signature] |