



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2000
ATLANTA, GEORGIA 30333-0198

May 2, 1995

Martinka Coal Company
ATTN: James A. Beck, General Manager
800 Laidley Tower
Charleston, West Virginia 25332

SUBJECT: TRANSMITTAL AND EXPLANATION OF NEW BYPRODUCT MATERIALS LICENSE
NO. 47-23051-01 (DOCKET NO. 030-20216, CONTROL NO. 256313)

Dear Mr. Beck:

Enclosed is your renewed byproduct materials license. Please review the license carefully and be sure that you understand all of the license conditions.

The NRC has recently revised 10 CFR 20, "Standards for Protection Against Radiation." Your attention is specifically called to the newly amended regulatory requirements in 10 CFR 20.1101 (program audits) and 20.2102 (record keeping requirements). These sections deal with how you are to manage your radiation safety program to maintain exposures as low as reasonably achievable (ALARA) and require that you:

- A. Implement a radiation protection program commensurate with your licensed activities.
- B. Use to the extent practicable, procedures and engineering controls based on sound radiation protection principles to maintain occupational doses and doses to members of the public as low as reasonably achievable (ALARA).
- C. Conduct a review of your radiation safety program's content and implementation at least annually.

I have provided (enclosed) some guidance entitled "Annual Audits of Radiation Safety Programs" for your use in developing and implementing your radiation safety program audit procedures.

If you have any questions or find any errors please notify me at (404) 331-3932 or Mrs. Diane Helz at (404) 331-4673.

Sincerely,

Michael L. Fuller
Health Physicist
Nuclear Materials Licensing Section
Division of Radiation Safety
and Safeguards

Enclosures Next Page

Annual Audits of Radiation Safety Programs

Section 20.1101 of 10 CFR Part 20 requires licensees: (1) to develop, document, and implement a radiation program commensurate with the scope and extent of licensed activities and sufficient to ensure compliance with the regulations, (2) to use procedures and engineering controls to achieve occupational doses and doses to members of the public that are ALARA and (3) to review, at least annually, the radiation program content and implementation. Section 20.2102 of 10 CFR Part 20 requires licensees to maintain records of their radiation protection program. Licensees must maintain records of the provisions of their radiation protection program until the Commission terminates the pertinent license. Licensees must maintain records of audits and other reviews of program content and implementation for three years after the record is made.

As indicated, the RSO needs to ensure that annual audits are conducted, but does not necessarily need to do it himself/herself. In fact, if the RSO is one of the authorized users, it may be beneficial for a qualified individual (e.g., radiation safety consultant; the corporate radiation safety officer) who is not associated with day-to-day operations to conduct the audit.

The audit should be sufficiently detailed to ensure that (a) the licensee is abiding by NRC regulations and the terms and conditions of the license (e.g., periodic leak tests, inventories; only trained, approved individuals use licensed materials independently), (b) the licensee's radiation protection program content and implementation achieve occupational doses and doses to a member of the public that are ALARA (see 10 CFR 20.1101), and (c) the licensee maintains required records with all required information (e.g., records of personnel exposure, leak tests, inventory, training of users) sufficient to comply with NRC requirements.

These audits may be conducted as "mini-NRC inspections" and may include observation of some or all of the licensee's authorized users during actual or simulated use of licensed materials. The results of the audit, identification of deficient areas, and recommendations for change need to be documented and provided to licensee management which, in turn, needs to take prompt action to correct any deficiencies noted by the auditor. If the licensee conducts licensed activities at locations other than the one audited or under other licenses, it needs to inform its personnel (at the other locations or working under the other licenses) of the deficiencies noted during audits and of the actions management expects all personnel to take to avoid similar deficiencies.

Document (1) the name and radiation safety qualifications of the individual who will conduct audits, (2) a description of the scope and extent of the audits, (3) a commitment to conduct audits at intervals not to exceed 12 months and to maintain records of the audits for at least three years after the record is made, (4) management's commitment to review the documented results of the audit promptly after the audit's completion, and (5) a commitment to take prompt action to correct deficiencies identified during audits, to inform all personnel (including those at other locations and those working under other licenses) of the deficiencies and the actions management expects its personnel to take to avoid similar deficiencies.

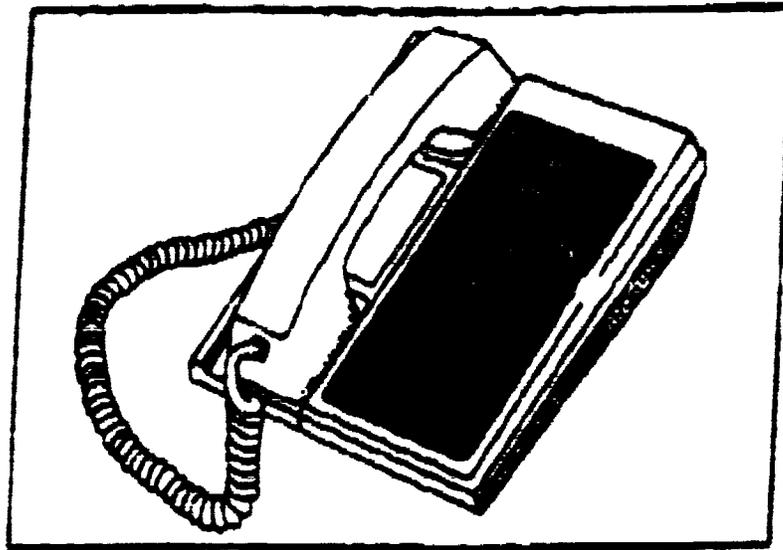
Enclosures:

1. NRC License No. 47-25325-01
2. Annual Audits of Radiation Safety Programs
3. 10 CFR Part 20

SEND	D/C	RII:DRSS	RII:DRSS	RII:DRSS		
TO	NAME	B. Fuller	J. Hanson	J. Potter		
POST	DATE	05/1/95	05/1/95	05/1/95	1/96	1/96
Yes	No	COPY?	Yes	No	Yes	No

OFFICIAL RECORD COPY

DOCUMENT NAME: G:\DRSS\MAILS\MARTINKA.CVR



MARTINKA COAL COMPANY

TYGART RIVER MINE

ENGINEERING DEPARTMENT

Deliver to MIKE FULLER - ^{NRC} ~~ATLANTA, GA~~

Department/Room MINER TRAINING SAFETY CONTROL ROOM

From GALI TIMMS - MARTINKA COAL CO.

Date 5 / 3 / 95

Number of pages 2
Including this cover sheet.

MIKE,
PLEASE ADD THIS TO OUR 1/25/95 LICENSE RENEWAL
AS PER OUR 5/1/95 WORK CONVERSATION. LICENSE # 472030514

INDUSTRIAL DEVICE INSTALLATION & REMOVAL

INSTALLATION OR REMOVAL OF INDUSTRIAL DEVICES SHALL BE CONDUCTED ONLY BY PERSONS SPECIFICALLY LICENSED TO PERFORM THIS WORK. THE INSTALLER MUST BE EQUIPPED WITH AN APPROPRIATE SURVEY METER FOR THE TYPE OF SOURCE UTILIZED, A SOURCE TO VERIFY THE METER OPERABILITY AND ACCURACY, CALIBRATED LEAK TEST STANDARD, AND MUST BE PHYSICALLY PRESENT AT SITE DURING THE ENTIRE OPERATION.

BEFORE REMOVAL FOR REPAIR OR RELOCATION, THE SOURCE SHUTTER WILL BE SHUT AND LOCKED OUT BY MEANS OF A KEY LOCK AND SURVEYED. UPON COMPLETION OF REPAIR OR REINSTALLATION OR REMOVAL, THE INSTALLER WILL CONDUCT LEAK TEST AND RADIATION SURVEY TEST CERTIFICATES.

MATERIALS LICENSE

Amendment No. 3

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 187 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 application dated January 25, 1998	
1. Martinka Coal Company		3. License Number	47-23051-01
		is amended in its entirety to read as follows:	
2. 800 Laidley Tower Charleston, West Virginia 25332		4. Expiration Date	May 31, 2000
		5. Docket or Reference No.	030-20216

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. Any sealed source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation and contained in a compatible device as specified in Item 9 of this license	A. See Item 9.A.

9. Authorized Use:

A. For possession and use in an Texas Nuclear gauging devices registered pursuant to 10 CFR 32.210 and authorized for distribution under a license issued by the Nuclear Regulatory Commission or an Agreement State.

CONDITIONS

- 10. Licensed material shall be used only at the licensee's facilities located at the Tygart River Mine, Fairmont, West Virginia.
- 11. The Radiation Safety Officer for this license is Gary Timms.
- 12. Licensed material shall be used by, or under the supervision of, Gary Timms.

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PDR ADOCK 03020216
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MLD

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

47-23051-01

Docket or Reference Number

030-20216

Amendment No. 3

(cont.)

CONDITIONS

13. A. (1) Sources contained in devices manufactured by Texas Nuclear shall be tested for leakage and/or contamination at intervals not to exceed 3 years. The test may be conducted at 3 year intervals provided the sources have been authorized by the Commission (or an Agreement State) for a three year leak test interval. Any source which is 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) 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.
- B. 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 Radiation Safety and Safeguards, Nuclear Material Safety Section, 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.
- C. Tests for leakage and/or contamination shall be performed by the licensee or by other persons specifically licensed by the Commission or an Agreement State to perform such services.
14. Installation, initial radiation survey, relocation, or removal from service of devices containing sealed sources shall be performed by Gary Timms, in accordance with the procedures described in the licensee's application dated January 25, 1995, by the device manufacturer, or by persons specifically licensed by the Commission or an Agreement State to perform such services. Maintenance and repair of devices and installation, replacement, and disposal of sealed sources shall be performed only by the manufacturer or by other persons specifically licensed by the Commission or an Agreement State to perform such services.
15. Sealed sources containing licensed material shall not be opened or removed from their respective source holders by the licensee.
16. 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.
17. The licensee shall maintain records of information important to safe and effective decommissioning at the location specified in Item 10 pursuant to the provisions of 10 CFR 30.33(g) until this license is terminated by the Commission.
18. 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 30.33(d) for establishing decommissioning financial assurance.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

47-23051-01

Docket or Reference Number

030-20216

Amendment No. 3

(cont.)

CONDITIONS

19. 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 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 January 25, 1995 [Renewal]
- B. Letter dated (facsimile) May 3, 1995 [Supplemental Information]

FOR THE U. S. NUCLEAR REGULATORY COMMISSION

JAY L. HENSON

Date MAY 03 1995

By Jay L. Henson
Region II, Nuclear Materials Safety Section
101 Marietta Street, Suite 2900
Atlanta, GA 30323