

# OFFICIAL RECORD COPY MATERIALS LICENSE

Amendment No. 6

DL-051697-04

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 by product, source, and special nuclear material designated below, to use such material for the purposes stated at the place(s) designated below, to deliver or to transfer such material to persons authorized to receive it in accordance with the requirements 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 any applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect, and to any conditions specified below.

Licensee

1 Island Creek Coal Company

2 P.O. Box 840  
Holden, West Virginia 25625

In accordance with letter dated March 26, 1997

3 License Number 47-15019-02

is amended in its entirety to read as follows:

4 Expiration Date February 28, 2001 (extended)

5 Docket or Reference No. 030-28969

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 source registered pursuant to 10 CFR 32.210

A. No single source to exceed 10 millicuries

B. Americium 241

B. Sealed neutron source registered pursuant to 10 CFR 32.210

B. No single source to exceed 50 millicuries

9 Authorized Use

A and B Sealed source(s) contained in Troxler Electronic Laboratories, Inc. portable gauging devices which have been registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation and distributed in accordance with an NRC or Agreement State License for use by persons trained according to the program referenced in Condition 12, to measure properties of material.

### CONDITIONS

10 Licensed material may be stored at the licensee's facilities on State Route 119, Holden, West Virginia or at the Elk Creek Coal Preparation Plant located on State Route 11/1, Emmett, West Virginia and used at temporary job sites of the licensee anywhere in the United States where the U.S. Nuclear Regulatory Commission maintains jurisdiction for regulating the use of licensed material.

11 The Radiation Protection Officer for the activities authorized by this license is Steve F. Bundy. Dexter Branham will be the Radiation Protection Officer responsible for the Troxler gauge at the Emmett, West Virginia facility.

12 Licensed material shall be used by, or under the supervision and in the physical presence of, Steve F. Bundy or individuals who have satisfactorily completed the device manufacturer's training program for safe use of portable gauging devices and have been trained in the licensee's operating and emergency procedures. The licensee shall maintain records of persons designated as users.

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MATERIALS LICENSE  
SUPPLEMENTARY SHEET

License Number 47-15019-02

Docket or Reference Number  
030-28969

Amendment No. 6

(continued)

## CONDITIONS

13. Sealed sources containing licensed material shall not be opened or removed from the gauging device by the licensee.
14. A.(1) The source(s) specified in Item 7, shall be tested for leakage and/or contamination at intervals not to exceed 6 months. 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 1 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, 61 Forsyth Street, S.W., Suite 23185, Atlanta, Georgia 30303-3415. 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. The licensee is authorized to collect leak test samples for analysis by Troxler Electronics Laboratories or tests for leakage and/or contamination shall be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.
15. The licensee may transport licensed material only in accordance with the provisions of 10 CFR Part 71 "Packaging and Transportation of Radioactive Material."
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 State Route 119, Holden, West Virginia pursuant to the provisions of 10 CFR 30.35(g) until this license is terminated by the Commission.

**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**

License Number 4-15019-02

Docket or Reference Number ~~44-28969~~

Amendment No. 6

(continued)

CONDITIONS

- 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 specified 10 CFR 30.35(d) for establishing decommissioning financial assurance
- 19. Each portable gauge shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport, storage, or when not under the direct surveillance of an authorized user.
- 20. Except for maintaining labeling as required by 10 CFR Part 20 or 71, the licensee shall obtain authorization from NRC 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.
- 21. Any cleaning, maintenance or repair of the gauges that requires removal of the source rod shall be performed only by the manufacturer or other persons specifically licensed by the Commission or an Agreement State to perform such services.
- 22. The licensee shall not use sealed sources or probes containing sealed sources at depths exceeding 3 feet below the surface.
- 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 November 28, 1990
  - B. Letters dated
    - March 12, 1993 (Change of RSO and documentary exchange frequency)
    - July 15, 1994 (Change RSO)
    - March 26, 1997 (add additional storage location for Troxler gauge, add alternate RSO for Troxler gauge)
  - C. NRC letter dated March 1, 1996 (extends expiration date in accordance with 10 CFR 30.36).

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

HECTOR BERMUDEZ

Date MAY 16 1997

By

*Hector Bermudez*  
 Region II, Division of Nuclear Materials Safety  
 61 Forsyth Street, S.W., Suite 23185  
 Atlanta, Georgia 30303-3415

MLICEN 4-15019-A06

(FOR LEMS USE)  
INFORMATION FROM LTS

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

Program Code: 03121  
Status Code: 0  
Fee Category: 3P  
Exp. Date: 20010228  
Fee Comments:  
Decom Str Assur Recd N

LICENSE FEE TRANSMITTAL

A. REGION

APPLICATION ATTACHED  
Applicant/License: ISLAND CREEK COAL CO.  
Received Date: 970401  
Docket No: 3028969  
Control No.: 257637  
License No.: 47-15019-02  
Action Type: Amendment

2. FEE ATTACHED  
Amount: 300.00  
Check No.: 00489582

Signed: DIANE WEIN  
Date: 4/2/97

3. COMMENTS

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone is entered)  
1. Fee Category and Amount: \_\_\_\_\_

2. Correct Fee Paid. Application may be processed for:  
Amendment \_\_\_\_\_  
Renewal \_\_\_\_\_  
License \_\_\_\_\_

3. OTHER \_\_\_\_\_  
Signed \_\_\_\_\_  
Date \_\_\_\_\_