

**MATERIALS LICENSE**

Amendment No. 7

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 use 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-061196-07

<p style="text-align: center;">Licensee</p> <p>1. Westmoreland Coal Company</p> <p>2. Drawer A &amp; B Big Stone Gap, Virginia 24219</p>	<p>In accordance with letters dated August 9, 1995 and September 21, 1995</p> <p>3. License Number 45-21126-01</p> <p>is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration Date September 30, 1997</p> <hr/> <p>5. Docket or Reference No. 030-19815</p>
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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 or an equivalent Agreement State regulation	A. No single source to exceed 10 millicuries
B. Americium 241	B. Sealed neutron source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation	B. No single source to exceed 50 millicuries
C. Californium 252	C. Sealed source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation	C. No single source to exceed 22 micrograms, 18 sources total
D. Cesium 137	D. Sealed source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation	D. No single source to exceed 12.5 millicuries, 4 sources total
E. Cesium 137	E. Sealed source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation	E. No single source to exceed 20 millicuries, 2 sources total
F. Americium 241	F. Sealed source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation	F. No single source to exceed 300 millicuries, 2 sources total

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**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**  
Corrected Copy

License Number 45-21126-01

Doc. or Reference Number 880-19815

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## 9. Authorized Use:

- A. and B. For storage only in Troxler model 3400 series portable gauging devices (registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation) pending sale and transfer to a licensed recipient.
- C. and D. For storage only in two (2) Gamma Metrics, Inc. Model 1812 Bulk Materials Elemental Analyzer (registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation) pending sale and transfer to a licensed recipient.
- E. and F. For storage only in two (2) Coalscan Model 3500 on-line ash analyzers (registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation) pending sale and transfer to a licensed recipient.

**CONDITIONS**

10. A. Licensed material in Subitems 6.A. and 6.B. may be stored only at 311 Wood Avenue, Big Stone Gap, Virginia.
- B. Licensed materials in Subitems 6.C. and 6.D. shall be stored only at the licensee's Transloader facility and the Bullitt Preparation facility at U.S. Route 23 and VA Route 68 near Appalachia, Virginia.
- C. Licensed materials in Subitems 6.E. and 6.F. shall be stored only at the licensee's facilities located at the Bullitt Mine near Appalachia, Virginia and at the Holton Mine near Exeter, Virginia.
11. A. Licensed material identified in Subitems 6.A and 6.B shall be stored by, or under the supervision and in the physical presence of, R. Dennis Sturgill, or any individual who has satisfactorily completed the device manufacturer's radiation safety training program, the Virginia Department of Transportation's Nuclear Safety Training course or any other specifically named training course which NRC or an Agreement State has approved, in writing, for licensing purposes. The licensee shall maintain records of the names of persons designated as authorized users, the date designated and documentation that certifies the training received and the competency of the trainee.
- B. Licensed material identified in Subitems 6.C through F shall be stored by or under the supervision of R. Dennis Sturgill or individuals who have satisfactorily completed the device manufacturer's radiation safety course and been designated by the Radiation Protection Officer. The licensee shall maintain records of individuals designated as users.
- C. The Radiation Protection Officer for this license is R. Dennis Sturgill.
12. Sealed sources containing licensed material shall not be opened or removed from the gauging device by the licensee.
13. A.(1) Sealed sources specified in Item 7, shall be tested for leakage and/or contamination at intervals not to exceed 6 months or at such other intervals as specified by the certificate of registration referred to in 10 CFR 32.210. 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.

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## CONDITIONS

13.(cont.)

- (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 Radiation Safety and Safeguards, Nuclear Material Inspection 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.
- 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.
14. The licensee may transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
15. The licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license. Records of inventories shall be maintained for 5 years from the date of each inventory, and shall include the quantities and kinds of byproduct material, manufacturer's name and model numbers, location of the sources and/or devices, and the date of the inventory.
16. The licensee shall maintain records of information important to safe and effective decommissioning at facilities as specified in Condition 10.A pursuant to the provisions of 10 CFR 30.35(g) until this license is terminated by the Commission.
17. 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.
18. 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.
19. Each portable nuclear 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.

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(cont.)

**CONDITIONS**

- 20. Any cleaning, maintenance, or repair of portable gauge(s) that require removal of the source rod shall be performed only by the manufacturer or by other persons specifically licensed by the Commission or an Agreement State to perform such services.
- 21. 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 July 24, 1992
  - B. Letter dated July 24, 1992 (Note: this refers to an application dated October 20, 1986 and to letters dated January 14, 1987 and October 4, 1987. These documents were the basis for License No. 45-21126-01 which this license superseded. Copies of these documents are filed in this license for reference.
  - C. Letter dated February 2, 1994 (change storage location of Troxler gauges)
  - D. Letter dated August 9, 1995 [Notification to NRC that all operations at Virginia Division, Westmoreland Coal would cease effective August 1, 1995 and licensed material placed in secure storage pending sale and transfer to a licensed recipient.]
  - E. Letter dated September 21, 1995 (change RSO)

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

EARL G. WRIGHT

DATE

JUN 11 1996

BY

*Earl G. Wright*

Region II, Division of Nuclear Materials Safety  
101 Marietta Street, N.W., Suite 2900  
Atlanta, Georgia 30323-0199



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
101 MARIETTA STREET, N.W., SUITE 2900  
ATLANTA, GEORGIA 30323-0198

JUN 11 1996

INFORMATION FOR NRC MATERIAL LICENSEES

Please find enclosed:   V   Your NRC material license: *Corrected Copy*  
*Cond. 10.A.*        Amendment to your NRC material license  
       Amendment renewing your NRC material license  
       Amendment terminating your NRC material license  
       Notice for Radiographer Quality Assurance Approval Program

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify this office (ATTN: Ms. Diane Heim at (404) 331-4673) so that we can provide appropriate corrections and answers.

Please be advised that your license expires at the end of the day in the month and year stated in the license. Unless your license has been terminated, you must conduct your program involving byproduct materials in accordance with the conditions of your NRC license, representations made in your license application, and NRC regulations. In particular, note that you must:

1. Operate in accordance with NRC regulations 10 CFR 19, "Notice, Instructions and Reports to Works Inspections," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.
2. Not possess and use materials authorized in Items 6, 7, and 8, on the license until:
  - a. you have constructed the facilities and obtained the equipment described in the license application and supporting documentation; and
  - b. you have notified the U. S. Nuclear Regulatory Commission, Region II, ATTN: Materials Licensing/Inspection Branch, in writing, that activities authorized by the license will be initiated;
  - c. you have submitted & certified implementation of a Quality Management Program (10 CFR 35.32) for radiotherapy, or for administering > 30 uCi of I-125 or I-131.
3. Notify NRC, in writing, within 30 days:
  - a. when an authorized user, Radiation Safety Officer, or Teletherapy Physicist permanently discontinues performance of duties under the license or has a name change; or
  - b. when the licensee's mailing address changes (no fee is required if the location of byproduct material remains the same).
4. In accordance with 10 CFR 30.36(b) and/or license condition, notify NRC, promptly, in writing, and request termination of the license:
  - a. when you decide to terminate all activities involving materials authorized under the license;
  - b. if you decide not to complete the facility, acquire equipment, or possess and use authorized material.

5. Request and obtain a license amendment before you:

- a. receive or use byproduct material for a clinical procedure permitted under Part 35 but not permitted by your license issued pursuant to this part.
- b. permit anyone, not authorized under 10 CFR 35, Subpart J, to work as an authorized user under a license for medical use of byproduct material.
- c. permit anyone, not authorized under 10 CFR 35, Subpart J, to work as a Radiation Safety Officer, Teletherapy Physicist, or Nuclear Pharmacist, under a license for medical use of byproduct material.
- d. order byproduct material in excess of the amount, or a different radionuclide or form, other than authorized on the license;
- e. add or change the areas of use or address (or addresses) of use identified in the license application or on the license; or
- f. change ownership of your organization.

6. Submit a complete renewal application with proper fee or termination request at least 30 days before the expiration date of your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of byproduct material after your license expires is a violation of NRC regulations. Transfer of licensed materials must be consistent with 10 CFR 30.41, 40.51 or 70.42, as applicable. A license will not normally be renewed, except on a case-by-case basis, in instances where licensed material has never been possessed or used.

In addition, please note that NRC Form 313 requires the applicant, by his/her signature, to verify that the applicant understands that all statements contained in the application are true and correct to the best of the applicant's knowledge. The signatory for the application should be the licensee or certifying official rather than a consultant.

You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a Notice of Violation, or imposition of a Civil Penalty, or an order suspending, modifying or revoking your license as specified in the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600, (7/95). Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken against those who do not achieve the necessary attention to detail and standard of compliance expected of licensees.

Thank you for your cooperation.

Enclosures:

- 1. NRC License
- 2. Category Marked Below for:
  - New licenses: NUREG-1600 (7/95); 19; 20; 30; 40 or 70, as appropriate; 71; 170; NRC Form 3; Agreement State list; and NRC Form 313.
  - New radiography licenses: Parts 34; 150.
  - New medical and teletherapy licenses: Part 35.
  - Amendments and renewals: NRC Form 313.