

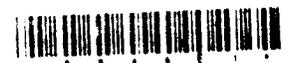
MATERIALS LICENSE  
SUPPLEMENTARY SHEET  
**OFFICIAL RECORD COPY**

License Number	47-23051-01
Docket or Reference Number	030-20216
Amendment No. 04	

*DL-061697-04*

Martinka Coal Company  
800 Laidley Tower  
Charleston, West Virginia 25332

In accordance with Certificate of Disposition of Materials dated March 14 1997, License Number 47-23051-01 is hereby terminated.



FOR THE U.S. NUCLEAR REGULATORY COMMISSION

DAVID J. COLLINS

*David J. Collins*

*14-071*

Date JUN 16 1997

By \_\_\_\_\_  
Region II, Division of Nuclear Material Safety,  
61 Forsyth Street, S.W., Suite 23185  
Atlanta, GA 30303

N. LICENSE 47-23051-1

*A 6/16/97*

*ML do*



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SUITE 23T85  
ATLANTA, GA 30303

INFORMATION FOR NRC MATERIAL LICENSEES

JUN 16 1997

- Please find enclosed:
- Your NRC material license
  - 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. Diana Heim at (404) 562-4723) 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 Workers; 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 and 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; or
  - 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:
- receive or use byproduct material for a clinical procedure permitted under Part 35 but not permitted by your license issued pursuant to this part.
  - 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.
  - 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.
  - order byproduct material in excess of the amount, or a different radionuclide or form, other than authorized on the license;
  - add or change the areas of use or address (or addresses) of use identified in the license application or on the license; or
  - 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:

- NRC License
- 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.

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BETWEEN:

License Fee Management Branch, ARM  
and  
Regional Licensing Sections

(FOR LFMS USE)  
INFORMATION FROM LITS

Program Code: 03120  
Status Code: 0  
Fee Category: 3P  
Exp. Date: 20050531  
Fee Comments:  
Decom Fin Assur Req: N

LICENSE FEE TRANSMITTAL

A. REGION IT

1. APPLICATION ATTACHED

Applicant/Licensee: MARTINKA COAL COMPANY  
Received Date: 970512  
Docket No: 3020216  
Control No.: 257485  
License No.: 47-23051-01  
Action Type: Termination

2. FEE ATTACHED

Amount: \_\_\_\_\_  
Check No.: \_\_\_\_\_

3. COMMENTS

Signed DIANEHEIM  
Date 5/14/97

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

1. Fee Category and Amount: 3P

2. Correct Fee Paid / Application may be processed for:

Amendment \_\_\_\_\_  
Renewal \_\_\_\_\_  
License \_\_\_\_\_

3. OTHER \_\_\_\_\_

Signed [Signature]  
Date [Date]

**FEE EXEMPT**

RECEIVED BY LFMS	
Date	5/14/97
Los	257485
RV	47-23051-01
Date Completed	5/14/97

**MARTINKA COAL COMPANY**

**ENGINEERING**

RECEIVED  
DATE  
TIME

**FROM:** GARY TIMMS

**FAC:** 000100-001

**DATE:** 5/14/97

**TOTAL PAGES:** 4

**REVISION:** \_\_\_\_\_

**PLEASE DELIVER TO:** DIANE HEIM (NRC)

**COMMENTS:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CONFIDENTIALITY NOTICE**

THIS TRANSMISSION IS CONFIDENTIAL AND NOT LEGALLY PROTECTED AND INTENDED ONLY FOR USE BY THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU ARE NOT AN INTENDED RECIPIENT, YOU ARE HEREBY ADVISED THAT ANY REVIEW, DISSEMINATION OR COPYING OF THIS FAX IS PROHIBITED. IF YOU RECEIVE THIS FAX BY MISTAKE, PLEASE CALL US IMMEDIATELY AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA U.S. POSTAL SERVICE.

**THANK YOU.**

257485



UNITED STATES  
 NUCLEAR REGULATORY COMMISSION  
 REGION II  
 101 MARIETTA STREET, N.W., SUITE 2900  
 ATLANTA, GEORGIA 30323-0196

**TELEFAX**

TO: MARTINE COAL License # 47-2017-01

Attn: GARY TIMONS Title: \_\_\_\_\_

FAX: (804) 366-6961 CITY \_\_\_\_\_, STATE \_\_\_\_\_

FROM: DIANE HEIM TITLE: \_\_\_\_\_

DIVISION OF NUCLEAR MATERIALS SAFETY

DATE: \_\_\_\_\_

FAX: (804) 562-4905 VOICE: (804) 562-4723

**SUBJECT: YOUR REQUEST FOR TRANSFER OR  
 TERMINATION OF NRC LICENSE**

Please provide the following certification, in addition to the NRC FORM 314 (Certificate of Disposition of Materials):

All records important to the safe and effective decommissioning of the facility [10 CFR 30.35(g), 40.36(f), 70.25(g), and 72.30(d)]; and all records concerning public dose and waste disposal, have been transferred to:

1. Name: FRANK M. BUTT [Successor]  
 License # 60894 Street: RT 300  
 City: FALLVILLE, State: MD

OR

2. USNRC, Attn: Nuclear Materials Licensing Section, at the above address,

AND

3. There is no residual contamination of the facility or environs from licensed materials.

Signature: \_\_\_\_\_ Date: 6/17/97

Printed Name and Title: Dr. Gary Timons

257485

<b>NRC FORM 314</b> (6-86) 10 CFR 20.38(e)(3)(iv) 10 CFR 40.42(e)(3)(iv) 10 CFR 70.38(e)(3)(iv)		<b>U.S. NUCLEAR REGULATORY COMMISSION</b>		APPROVED BY OMB: NO. 3150-0028		EXPIRES: 06/30/98	
<b>CERTIFICATE OF DISPOSITION OF MATERIALS</b>							
INSTRUCTIONS: ALL ITEMS MUST BE COMPLETED - PRINT OR TYPE SEND THE COMPLETED CERTIFICATE TO THE NRC OFFICE SPECIFIED ON THE REVERSE							
LICENSEE NAME AND ADDRESS INACTIVE CON- COMPANY 800 LAIDLAY TOWER CHARLESTON, WV 25332						LICENSE NUMBER 47-23051-01	
						LICENSE EXPIRATION DATE MAY 31, 2000	
<b>A. MATERIALS DATA (Check one and complete as necessary)</b>							
THE LICENSEE OR ANY INDIVIDUAL EXECUTING THIS CERTIFICATE ON BEHALF OF THE LICENSEE CERTIFIES THAT: (Check and/or complete the appropriate item(s) below.)							
<input type="checkbox"/> 1. NO MATERIALS HAVE EVER BEEN PROCURED OR POSSESSED BY THE LICENSEE UNDER THIS LICENSE.							
<input checked="" type="checkbox"/> 2. ALL ACTIVITIES AUTHORIZED BY THE LICENSE HAVE CEASED AND ALL MATERIALS PROCURED AND/OR POSSESSED BY THE LICENSE NUMBER CITED ABOVE HAVE BEEN DISPOSED OF IN THE FOLLOWING MANNER. (If additional space is needed, use the reverse side or provide attachments.)							
Describe specific material transfer actions and, if there were radioactive wastes generated in terminating this license, the disposal actions including the disposition of low-level radioactive waste, mixed waste, Greater-than-Class-C waste, and sealed sources, if applicable.							
For transfers, specify the date of the transfer, the name of the license recipient, and the recipient's NRC license number or Agreement State name and license number.							
<i>Describe specific disposal actions and, if there were radioactive wastes generated in terminating this license, the disposal actions including the disposition of low-level radioactive waste, mixed waste, Greater-than-Class-C waste, and sealed sources, if applicable.</i>							
If materials were disposed of directly by the licensee rather than transferred to another licensee, licensed disposal site or waste contractor, describe the specific disposal procedures (e.g., decay in storage).							
<b>B. OTHER DATA</b>							
<input checked="" type="checkbox"/> 1. OUR LICENSE HAS NOT YET EXPIRED; PLEASE TERMINATE IT							
2. A RADIATION SURVEY WAS CONDUCTED BY THE LICENSEE TO CONFIRM THE ABSENCE OF LICENSED RADIOACTIVE MATERIALS AND TO DETERMINE WHETHER ANY CONTAMINATION REMAINS ON THE PREMISES COVERED BY THE LICENSE (Check one)							
<input type="checkbox"/> NO (Attach explanation)							
<input checked="" type="checkbox"/> YES, THE RESULTS (Check one)							
<input checked="" type="checkbox"/> ARE ATTACHED, or							
<input type="checkbox"/> WERE FORWARDED TO NRC ON (Date)							
3. THE PERSON TO BE CONTACTED REGARDING THE INFORMATION PROVIDED ON THIS FORM						NAME <i>John Thomas</i>	
						TELEPHONE NUMBER (Include Area Code) 207-366-3516	
4. MAIL ALL FUTURE CORRESPONDENCE REGARDING THIS LICENSE TO <i>John Thomas</i> <i>750 Laidlay Tower</i> <i>Charleston, WV 25332</i>							
<b>CERTIFYING OFFICIAL</b>							
I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT							
PRINTED NAME AND TITLE <i>John Thomas, President</i>				SIGNATURE <i>[Signature]</i>		DATE 5/14/97	
<b>WARNING: FALSE STATEMENTS IN THIS CERTIFICATE MAY BE SUBJECT TO CIVIL AND/OR CRIMINAL PENALTIES. NRC REGULATIONS REQUIRE THAT SUBMISSIONS TO THE NRC BE COMPLETE AND ACCURATE IN ALL MATERIAL RESPECTS. 18 U.S.C. SECTION 1001 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.</b>							

Telephone: (512) 388-9100 Telex: 77-6413  
Fax: (512) 388-9200 (800) 558-0097

P.O. Box 800  
2556 N IH-35  
Round Rock, Texas 78680

PAGE \_\_\_\_\_  
OF \_\_\_\_\_ PAGES

CONTACT NAME <b>Frank Pudeti (PUDETI)</b>		CONTACT PHONE <b>304 449 1911</b>	CUSTOMER P.O. NUMBER <b>Marinka Coal Co.</b>
SERVICE REPRESENTATIVE NAME <b>Tom K. Hunt</b>		DATE ON SITE <b>May 15, 1996</b>	DATE DEPARTED <b>5 June</b>
DESCRIPTION OF SERVICE			

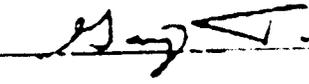
take down for Transfer 2 Density Gauges  
DX 9894 (500 ml, 5302) and DX 6070 (100 ml, 5201)

Arrived onsite 0930 met Gary Thomas and taken to  
Gauging site. Leak test were made prior to take down.  
Leak test procedure used AT/15. Seismic Meter used TN 2007  
Serial # A535R Cal Date 4-17-96. Leak test Results were  
negative at 0.00037 ml. Gauges taken down and placed on  
pallet. Pallet placed in back of truck. Area survey made  
after gauges out of building. All areas found to be safe  
indicating 0.02 mP/hr or back ground. OFF site 1200 hrs.  
These gauges going to Fairview, WV to the Federal #2  
mine.

USE ADDITIONAL FORMS FOR CONTINUATION

DAY	DATE	TRAVEL TIME		ON SITE TIME		WRKY TIME		STAND BY TIME	TOTAL TIME		REMARKS
		REG	OT	REG	OT	REG	OT		REG	OT	
SUN											
MON											
TUES											
WED											
THURS											
FRI											
SAT											

527485

CUSTOMER REPRESENTATIVE  SIGNATURE

DATE 5/15/96