

MATERIALS LICENSE

Amendment No. 03

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 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-071095-07

Licensee		In accordance with letter dated February 24, 1995	
1. Dal-Tex Coal Corporation		3. License Number	47-24816-01
		is amended in its entirety to read as follows.	
2. P.O. Box D Sharples, West Virginia 25183		4. Expiration Date	July 31, 1996
		Docket or Reference No.	030-29016

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
C. Cesium 137	C. Sealed source registered pursuant to 10 CFR 32.210	C. Two sources not to exceed 25 millicuries total
D. Californium 252	D. Sealed neutron source registered pursuant to 10 CFR 32.210	D. 200 micrograms (108 millicuries) in nine sources

9. Authorized Use:
- A. and B. For use in Troxler model 3400 series portable gauging devices to measure properties of materials.
  - C. and D. For use in GAMMA-METRICS Model 2000 Bulk Materials Elemental Analyzer to measure chemical and physical properties of coal.

CONDITIONS

10. A. Licensed material in Item 7, A. and B. may be used at the licensee's facilities at the end of County Route 119/22 near Sharples, West Virginia and 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.
- B. Licensed materials in Item 7, C. and D. may be used at the licensee's coal consolidation and loading facilities at the end of County Route 119/22 near Sharples, West Virginia.

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**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**

License Number

47-24816-01

Docket or Reference Number

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Continued

**CONDITIONS**

11. A. The Radiation Protection Officer for the activities authorized in Item 7 A. and B. is **James R. Dillon**.
- B. The Radiation Protection Officer for the activities authorized in Item 7. C. and D. is **Steve McComas**, and in his absence **Rob Graffius**.
12. A. Licensed material in Item 7. A. and B. shall be used by, or under the supervision and in the physical presence of, **James R. Dillon** 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.
- B. Licensed material in Item 7. C. and D. shall be used by, or under the supervision of **Steve McComas** or **Rob Graffius**, or individuals who have satisfactorily completed the device manufacturer's training program for the safe use and operation of the analyzer, and in the licensee's operating and emergency procedures. The licensee shall maintain records of persons designated as users.
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 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(1) For the sources listed in Item 7. A. and B., the licensee is authorized to collect leak test samples for analysis by **Troxler Electronic 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.
- (2) For the sources listed in Item 7 C. and D., tests for leakage and/or contamination shall be performed by persons specifically licensed by the Commission or an Agreement State to perform those services.

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License Number 47-24816-01

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Continued

CONDITIONS

- 15. The licensee may transport licensed material listed in Item 7, A. and B. 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. 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.
- 18. The licensee shall maintain records of information important to safe and effective decommissioning at location as specified in Condition 10 pursuant to the provisions of 10 CFR 30.35(g) until this license is terminated by the Commission.
- 19. 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.
- 20. 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 Applications dated: (1) November 4, 1985 [new license]  
(2) September 27, 1990 [renewal]  
(3) June 24, 1991 [new license]
  - B Letters dated (1) July 21, 1991 [coal analyzer interlocks and location diagrams]  
(2) February 24, 1995 [change RPO, delete separate listing for Berthold microwave included in Gammametrics device]
  - (3) June 16, 1995 [Training certificate and fee]

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

EARL G. WRIGHT

Date JUL 10 1995

By Region II, Nuclear Materials Licensing Section  
101 Marietta Street NW, Suite 2000  
Atlanta, GA 30323