

OFFICIAL RECORD COPY MATERIALS LICENSE

DL-080896-14

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.

Licensee		
1. Elk Run Coal Company		3. License Number 47-25363-01
2. Box 497 Sylvester, West Virginia 25193		4. Expiration Date August 31, 2001
		5. Docket or Reference No. 030-34207

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. Barium 133	A. Any sealed source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation	A. No single source to exceed 1.85 gigabecquerels (GBq) (50 millicuries)(See Item 9)
B. Cesium 137	B. Any sealed source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation	B. No single source to exceed 1.85 gigabecquerels (GBq) (50 millicuries)(See Item 9)
C. Americium 241	C. Any sealed neutron source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation	C. No single source to exceed 46.25 gigabecquerels (GBq) (1250 millicuries)(See Item 9)

9. Authorized Use:

- A. Sealed source(s) contained in compatible non-portable gauging devices (registered pursuant 10 CFR 32.210 or an equivalent Agreement State regulation) for measuring properties of materials and/or controlling industrial processes.

CONDITIONS

- 10. Licensed material shall be used only at the licensee's facilities located at the Elk Run Coal Company, one mile west of Sylvester, West Virginia on West Virginia Highway 3
- 11. The Radiation Safety Officer for this license is Jeffrey Walkup.

9610170005 960808
PDR ADOCK 03034207
C PDR

Handwritten initials and signature

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number

47-25363-01

Docket or Reference Number

030-34207

CONDITIONS

Continued -

12. Licensed material shall be used by, or under the supervision of, Jeffrey Wilkun, or other individuals who have been trained in accordance with the application dated July 12, 1996.
13. A. Sealed sources 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.
- B. In the absence of a certificate from a transferor indicating that a leak test has been made within 6 months prior to the transfer, a sealed source received from another person shall not be put into use until tested.
- C. Sealed sources need not be leak tested if they contain not more than 100 microcuries of beta and/or gamma emitting material; or are in storage, and are not being used. However, when they are removed from storage for use or transferred to another person, and have not been tested within the required leak test interval, they shall be tested before use or transfer. No sealed source or detector cell shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.
- D. The leak 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, a report shall be filed with the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 30.50(b)(2), and the source shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. The 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, ATTN: Chief, Materials Licensing/Inspection Branch, Division of Nuclear Materials Safety, 101 Marietta Street NW, Atlanta, Georgia 30323-0199. The report shall specify the source involved, the test results, and corrective action taken.
- E. Tests for leakage and/or contamination may be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.
14. Installation, initial radiation surveys, relocation, removal from service, or any similar activity with devices containing licensed material shall be performed only by 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. Each gauge shall be tested for the proper operation of the on/off mechanism and shutter, if any, at no longer than six month intervals or at such longer intervals as specified by the manufacturer and approved by NRC.
17. The licensee shall operate each gauge within the manufacturer's specified temperature and/or environmental limits such that the shielding and shutter mechanism of the source holder are not compromised.
18. The licensee shall assure that the shutter mechanism is locked in the closed position during periods when a portion of an individual's body may be subject to the direct radiation beam. The licensee shall review and modify as appropriate its "lock out" procedures whenever a new gauge is obtained to incorporate the device manufacturer's recommendations.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number	47-25363-01
Docket or Reference Number	030-34207

CONDITIONS

Continued -

- 19. The licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.
- 20. 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 30.35(g) until this license is terminated by the Commission.
- 21. 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 30.35(d) for establishing decommissioning financial assurance.
- 22. Prior to initial use and after installation, relocation, dismantling, alignment, or any other activity involving the source or removal of the shielding, the licensee shall assure that a radiological survey is performed to determine radiation levels in accessible areas around, above and below the gauge with the shutter open.

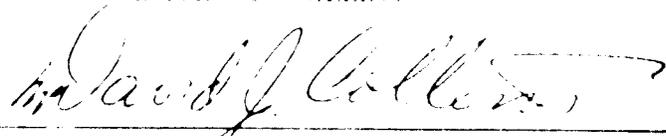
This survey shall be performed only by persons authorized to perform such services by the Commission or an Agreement State.

- 23. A. The licensee may not possess and use materials authorized in Items 6, 7, and 8, until: 1) the licensee has constructed facilities and obtained the equipment described in the application and supporting documentation; and 2) the U.S. Nuclear Regulatory Commission, Region II, ATTN: Chief, Materials Licensing/Inspection Branch, 101 Marietta Street NW, Atlanta, Georgia 30323-0199, has been notified in writing that activities authorized by the license will be initiated.
- B. In accordance with the requirements set forth in 10 CFR 30.36(b), the licensee shall promptly notify the Nuclear Regulatory Commission, in writing of a decision not to complete the facility, acquire equipment, or possess and use authorized material.
- 24. 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 1, 1996

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

DAVID J. COLLINS



DATE AUG 08 1996

BY _____

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

N (LICENSE 47-25363-01)



(FOR LFMS USE)
INFORMATION FROM LTS

Program Code: _____
Status Code: 3
Fee Category: _____
Exp. Date: 0
Fee Comments: _____
Decom Fin Assur Recd: _____

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

PRIORITY

LICENSE FEE TRANSMITTAL

A. REGION II

1. APPLICATION ATTACHED

Applicant/Licensee: ELK RUM COAL CO., INC.
Received Date: 9-6-73
Docket No: 3034207
Control No.: 257129
License No.: _____
Action Type: New Licensee

2. FEE ATTACHED

Amount: \$540.00
Check No.: 88594

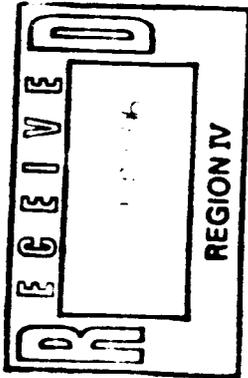
3. COMMENTS

Signed: MWitt
Date: 7/25/96

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered /)

- 1. Fee Category and Amount: _____
- 2. Correct fee Paid. Application may be processed for:
Amendment _____
Renewal _____
License _____
- 3. OTHER _____

Signed _____
Date _____



Applicant	Elk Rum
License No.	3034207
Control No.	257129
Fee Category	3034207
Amount of Fee	540.00
Date Check Rec'd.	7/25/96
Date Completed	7/25/96
By	MWitt