

**SPECIAL RECORD COPY**

**MATERIALS LICENSE**

**CORRECTED COPY**

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-120396-09

Licensee		3. License Number	47-25318-01
1. Terry Eagle Coal Company		4. Expiration Date	November 30, 2004 (Extended)
2. Route 2, Box 900 Summersville, WV 26651		5. Docket or Reference No.	030-33685
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. Americium 241	A. Any sealed source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation.	A. No single source to exceed 250 millicuries per source. (See item 9.A.)	
B. Barium 133	B. Any sealed source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation.	B. No single source to exceed 10 millicuries per source. (See item 9.B.)	
C. Cesium 137	C. Any sealed source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation.	C. No single source to exceed 10 millicuries per source. (See item 9.C.)	

9. Authorized Use

A. through C. 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 company's Hutchinson Branch Mine, one mile north of Route 39 at Gilboa, West Virginia, or the Terry Eagle Preparation Plant, on Route 39, two miles west of the intersection of Routes 129 and 39 near Summersville, West Virginia.

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**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**

License Number

47-25318-01

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(continued)

**CONDITIONS**

11. **Records required for the activities authorized by this license shall be maintained by the Radiation Safety Officer at the licensee's facility on Route 39, one mile east of the intersection of Routes 129 and 39 near Summersville, West Virginia.**
12. **The Radiation Safety Officer for this license is Charles M. Gross.**
13. **Licensed material shall be used by, or under the supervision of Charles M. Gross, Delmas C. Bennett, Reggie G. Roles, or Robert C. Hills.**
14.
  - 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. **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, Nuclear Materials Licensing/Inspection Branch, 101 Marietta Street, Suite 2900, Atlanta, Georgia 30323. The report shall specify the source involved, the test results, and corrective action taken.**
  - D. **The licensee is authorized to collect leak test samples for analysis by Energy Technologies, Inc. Alternatively, tests for leakage and/or contamination may be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.**
15. **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.**
16. **Sealed sources containing licensed material shall not be opened or removed from their respective source holders by the licensee**
17. **Each gauge shall be tested for the proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals or at such longer intervals as specified by the manufacturer and approved by NRC.**
18. **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**
19. **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.**
20. **The licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.**

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SUPPLEMENTARY SHEET**

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(continued)

**CONDITIONS**

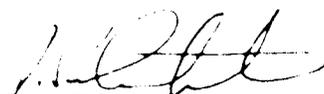
- 21. The licensee shall maintain records of information important to safe and effective decommissioning at the location specified in Item 12 pursuant to the provisions of 10 CFR 30.35(g) until this license is terminated by the Commission.
- 22. In addition to the possession limits in item 8, the licensee 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.
- 23. 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.
- 24. The licensee may not possess and use materials authorized in items 6, 7, and 8 until: 1) the licensee has constructed the facilities and obtained the equipment described in the application and supporting documentation; and 2) the U.S. Nuclear Regulatory Commission, Region II, 101 Marietta Street, N.W., Suite 2900, Atlanta, Georgia 30323, ATTN: Chief, Nuclear Materials Licensing/Inspection Branch, has been notified that activities authorized by this license will be initiated.
- 25. Within 30 days of the date of a decision not to complete the facility, acquire equipment, or possess and use authorized material, the licensee must notify the Commission, in writing, of the decision.
- 26. 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 September 12, 1994
- B Letter dated October 27, 1994
- C NRC letter dated March 1, 1996 (correction to letter extending expiration date in accordance with 10 CFR 30.36)

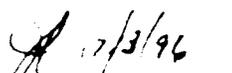
FOR THE U.S. NUCLEAR REGULATORY COMMISSION

JOHN M. PELCHAI

Date DEC 03 1996

By 

Region II, Division of Nuclear Materials Safety  
101 Marietta Street, Suite 2900  
Atlanta, GA 30323

  
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