

OFFICIAL RECORD COPY

MATERIALS LICENSE

Amendment No. 5

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		In accordance with letter dated March 24, 1997	
1. Island Creek Coal Company		3. License Number	45-15262-02
2. P.O. Drawer L Oakwood, Virginia 24631		is amended in its entirety to read as follows:	
		4. Expiration Date	January 31, 2003 (Fixed)
		5. Docket or Reference No.	030-13600:
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	
9. Authorized Use:			
A. and B. For storage only.			

CONDITIONS

10. Licensed material may be stored only at the licensee's facilities located at U. S. Route 460 at Oakwood, Buchanan County, Virginia.
11. The Radiation Protection Officer for this license is Gerald F. Ramsey
12. Licensed material shall only be used by, or under the supervision and in the physical presence of, Gerald F. Ramsey or individuals who have successfully completed the manufacturer's training program for gauge users, have been instructed in the licensee's routine and emergency operating procedures and who have been designated by the Radiation Safety Officer. The licensee shall maintain records of individuals designated as users and their training for five years following the last use of licensed material by the individual.

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**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License Number 45-15262-02

Docket or Reference Number ~~020-13600~~

Amendment No. 5

(cont.)

CONDITIONS

13. Sealed sources containing licensed material shall not be opened or removed from the gauging device by the licensee.
14. 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.
(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 Nuclear Materials Safety, Nuclear Material Licensing/Inspection Branch, 61 Forsyth Street, Suite 23T85, Atlanta, Georgia 30303. 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 Electronic Laboratories, Inc. 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.
15. The licensee is authorized to transport licensed material only 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 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. (Note: Only those inventory records generated after the date of this license shall be maintained in accordance with this condition.)
17. The licensee shall maintain records of information important to safe and effective decommissioning at locations specified in Condition 10 pursuant to the provisions of 10 CFR 30.35(g) until this license is terminated by the Commission.
18. 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.

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License Number 45-15262-02

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(cont.)

CONDITIONS

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.
20. Any cleaning, maintenance, or repair of the gauge(s) that requires 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 December 10, 1992
 - B. Letters dated:
 - March 1, 1996 [Extends expiration date in accordance with 10 CFR 30.36]
 - March 24, 1997 [Change to storage only]

FOR THE U. S. NUCLEAR REGULATORY COMMISSION

EARL G. WRIGHT

Date

MAY 16 1997

By

Earl G. Wright

Region II, Division of Nuclear Materials Safety
61 Forsyth Street, Suite 23T85
Atlanta, GA 30303

ATTN - Rita 6/23/97

(FOR LFMS USE)
INFORMATION FROM LTS

BETWEEN:

License Fee Management Branch, ARM
and
Regional Licensing Sections

Program Code: 03121
Status Code: 0
Fee Category: 3P
Exp. Date: 20030131
Fee Comments:
Decom Fin Assur Req'd: N

LICENSE FEE TRANSMITTAL

A. REGION II

1. APPLICATION ATTACHED

Applicant/Licensee: ISLAND CREEK COAL CO.
Received Date: 970325
Docket No: 3013600
Control No.: 257434
License No.: 45-15262-02
Action Type: Amendment

2. FEE ATTACHED

Amount: 300.00
Check No.: 120

3. COMMENTS

Signed: diane heim
Date: 3/25/97

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

1. Fee Category and Amount: 3P \$300

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

Amendment ✓
Renewal
License

3. OTHER

Log: Apr 1 II
Remitter:
Check No. 120
Amount: \$300
Fee Category: 3P
Type of Fee: Amal
Date Check Rec'd.:
Date Completed: 4/2/97
By: Ken

Signed: Rita Messier
Date: 4/2/97

1997 MAR 27 AM 9:17



CONSOLIDATION COAL COMPANY
Virginia Operations Engineering
Drawer L
Oakwood, VA 24631
(540) 498-8200

March 24, 1997

U.S. Nuclear Regulatory Commission
Attn.: Mr. Tom Decker
101 Marietta Street, N.W.
Suite 2900
Atlanta, GA 30323

Subject: License No. 45-15262-02, Island Creek Coal Company

Dear Sir:

The Troxler Model 3400 series portable gauging device, for which the subject license was issued is no longer being used. Therefore, I request that License No. 45-15262-02 be modified to **"STORAGE ONLY"** incident to disposal. I have enclosed Check No. 120, in the amount of \$300.00 as payment of the Amendment Fee.

Presently, I plan to either do an intracompany transfer, to another license, or return the device to the manufacturer for disposal.

I would greatly appreciate priority handling of this request. If you have any questions or if I may be of assistance, please call me at 540/498-8351.

Sincerely,

CONSOLIDATION COAL COMPANY

Gerald F. Ramsey
Gerald F. Ramsey
Environmental Engineer

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