

OFFICIAL RECORD COPY MATERIALS LICENSE

Amendment No. 6

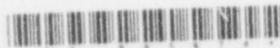
Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, 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 application dated January 14, 1997	
1. Eastern Associated Coal Corporation Environmental Engineering Department		3. License Number	47-24809-01
2. P.O. Box 1233 800 Laidley Tower Charleston, WV 25324		is amended in its entirety to read as follows:	
		4. Expiration Date	May 31, 2001 (extended)
		5. Docket or Reference No.	030-28938
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. Sealed neutron source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation	A. Not to exceed 300 millicuries per source	
B. Barium 133	B. Sealed source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation	B. Not to exceed 10 millicuries per source	
C. Cesium 137	C. Sealed source registered pursuant to 10 CFR 32.210 or an equivalent Agreement State regulation	C. Not to exceed 20 millicuries per source	

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.

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	PAGE	2	OF	4	PAGES
License Number					
47-24809-01					
Docket or Reference Number					
030-28938					
Amendment No. 6					

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

CONDITIONS

10. A. Licensed material listed in Item 6 shall be used only at the following licensee facilities:
 1. Rocklick Preparation Plant, Route 85, Bald Knob, West Virginia
 2. Wells/Rocklick Preparation Plant, Route 85, Wharton, West Virginia
 3. Harris Complex, Route 85, Bald Knob, West Virginia.
- B. Copies of all required records for the activities authorized by this license shall be maintained at the licensee's office located at Chelyan, West Virginia, approximately 1.5 miles from I-77/RT. 61, Slaughter Creek road.
11. Licensed material shall only be used by, or under the supervision and in the physical presence of, Joe Benedict 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.
12. The Radiation Safety Officer (RSO) for this license is Joe Benedict. In his absence, the alternate RSO for each facility will be the lead plant foreman trained in the use of that facility's gauge as an authorized user.
13. Sealed sources containing licensed material shall not be opened or removed from the gauges by the licensee.
14. A. 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.
- 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, 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. The licensee is authorized to collect leak test samples for analysis by Troxler Electronics Lab., 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.

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License Number

47-24809-01

Docket or Reference Number

030-28938

Amendment No. 6

(continued)

CONDITIONS

15. Installation, relocation, removal from service, maintenance, repair, and initial radiation survey of devices listed in Item 9 shall be performed only by the device manufacturer or by other persons specifically authorized by the Commission or an Agreement State to perform such services.
16. The licensee shall conduct a physical inventory every six (6) months to account for all sealed sources received and possessed under the license. The records of the inventories shall be maintained for two (2) years from the date of the inventory for inspection by the Commission, and shall include the quantities and kinds of licensed material, location of the sealed sources and the date of the inventory.
17. The licensee shall maintain records of information important to safe and effective decommissioning at the **Chelyan, WV facility** in accordance with 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 limit specified in 10 CFR 30.35(d) for establishing decommissioning financial assurance.
19. 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.
20. 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.
21. 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.
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. 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.

MATERIALS LICENSE
SUPPLEMENTARY SHEET

License Number

4

OF

4

PAGES

Docket or Reference Number 47-24809-01

030-28938

Amendment No. 6

(continued)

CONDITIONS

- A. Application dated September 18, 1990
- B. Letter dated January 21, 1992
- C. Application dated July 29, 1994 [add Coalscan 3500]
- D. Letter January 14, 1997 (remove Troxler gauge, incorporate 47-25103-01)
- E. NRC license expiration date letter dated March 1, 1996.

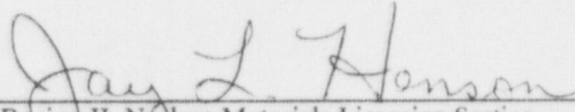
FOR THE U.S. NUCLEAR REGULATORY COMMISSION

JAY L HENSON

Date

FEB 27 1997

By



Region II, Nuclear Materials Licensing Section
101 Marietta Street, N.W., Suite 2900
Atlanta, GA 30323

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2900
ATLANTA, GEORGIA 30323-0199
FEB 27 1997

INFORMATION FOR NRC MATERIAL LICENSEES

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. Diane Heim at (404) 331-4673) 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 & 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:
 - a. receive or use byproduct material for a clinical procedure permitted under Part 35 but not permitted by your license issued pursuant to this part.
 - b. 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.
 - c. 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.
 - d. order byproduct material in excess of the amount, or a different radionuclide or form, other than authorized on the license;
 - e. add or change the areas of use or address (or addresses) of use identified in the license application or on the license; or
 - f. 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:

1. NRC License
2. 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 LTS
: -----
:
: Program Code: 03121
: Status Code: 0
: Fee Category: 3P
: Exp. Date: 20010531
: Fee Comments: _____
: Decom Fin Assur Req'd: N
:

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LICENSE FEE TRANSMITTAL

A. REGION II

1. APPLICATION ATTACHED

Applicant/Licensee: EASTERN ASSOCIATED COAL CORP.
Received Date: 970122
Docket No: 3028938
Control No.: 257348
License No.: 47-24809-01
Action Type: Amendment

2. FEE ATTACHED

Amount: 300.00
Check No.: 464559

3. COMMENTS

Signed DIANE HEIM
Date 1/23/97

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 _____

Signed Kita Massier
Date 1/28/97

Log	<u>Jan 3 II</u>
Remitter	
Check No.	<u>464559</u>
Amount	<u>\$300</u>
Fee Category	<u>3P</u>
Type of Fee	<u>Ampl</u>
Date Check Rec'd	<u>1/28/97</u>
Date Completed	<u>1/28</u>
By:	<u>jem</u>



Eastern Associated Coal Corp P.O. Box 1233
Charleston, WV 25324
Phone: (304) 344-0300
Fax: (304) 340-1838

January 14, 1997

Mr Dave Collins
U. S. Nuclear Regulatory Commission
Region II
Nuclear Materials Safety Section
101 Marietta St., Suite 2900
Atlanta, Georgia 30323

Dear Sir:

Please be advised that Eastern Associated Coal Corp. is hereby requesting an amendment to NRC License 47-25103-01 and 47-24809-01, which will be combined into one central license (47-24809-01) with the following changes:

- Item 1 Eastern Associated Coal Corp
Environmental Engineering Dept.
- Item 2 P.O. Box 1233
800 Laidley Tower
Charleston WV 25324

The remaining items will be as per the attached. In addition please delete the Troxler gauge and the authorization for temporary job site use. The unit was disposed of by Troxler in accordance with current license provisions.

The principle Radiation Safety Officer (RSO) for the NRC License 47-24809-01 will be Joe Benedict, in addition the lead plant foreman at each site will be the alternate RSO.

The records for these unit devices will be maintained at Chelyan, WV approx. 1.5 miles from I-77/RT. 61, Slaughter Creek road.

257348

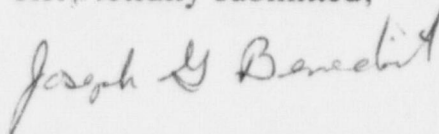
All required lead tests are up to date and there is no residual contamination of the facility from the licensed materials.

All commitments in both licenses will be acknowledged and will continue to remain enforce as stated in the license. Upon issuance of this amendment we are requesting the termination of NRC License 47-25103-01..

Enclosed with this request is a check for \$300.00 (Check No. 464559), which will cover the amendment fee.

If there are any questions, please call me at (304) 595-1053.

Respectfully submitted,

A handwritten signature in cursive script, reading "Joseph G. Benedict".

Joseph G. Benedict
Sr. Environmental
Field Specialist

cc: J. Crawford
C. Henrich
D. Rector
enclosures

257343

5. **RADIOACTIVE MATERIAL:**

<u>MANUFACTURER</u>	<u>ELEMENT/MASS</u>	<u>PHYSICAL FORM</u>	<u>MAX. AMT.</u>
A Saic	Americium 241	Sealed Source AMC 26	250
B Saic	Barium 133	Sealed Source BDG 860	10
C Coalscan 3500	Cesium 137	Sealed Source CDC 806 Amersham	20 mci
D Coalscan 3500	Americium 241	Sealed Source AMC 17 Amersham	300 mci
E Coalscan 3500	Cesium 137	Sealed Source CDC 806 Amersham	20 mci
F Coalscan 3500	Americium 241	Sealed Source AMC 17 Amersham	300 mci

6. **PURPOSE FOR WHICH LICENSED MATERIAL WILL BE USED:**

INSTRUMENT

PURPOSE

Saic Ash Monitor Model DGA

Analyzing coal quality

Two Coalscan 3500

Monitor coal quality
parameters (ash and moisture)

7. INDIVIDUAL RESPONSIBLE FOR RADIATION SAFETY (RSO):

Saic: Joe Benedict and/or lead plant foreman

Coalscan 3500: Joe Benedict and/or lead plant foreman

The above individuals will be trained by the manufacture, at the time of installation.

8. TRAINING FOR INDIVIDUALS:

The licensed material as listed in **Item 5** will be used by or under the direction of a trained responsible individual, who has completed training on the operation, emergency procedure and radiation safety.

Additional training will be given at the time of installation for the Coalscan model 3500.

The licensed material as listed in **Item 5** will be used by or under the direction of a trained responsible individual, who has completed training on the operation, emergency procedure and radiation safety.

9. FACILITIES AND EQUIPMENT:

The Saic Ash Monitor is located at the Rocklick Preparation Plant on the clean coal belt.

The Coalscan 3500 will is located at the Wells Preparation Plant on the clean coal sampling system.

The Coalscan 3500 will is located at the Harris Preparation Plant on the clean coal stacker belt.

The environmental conditions, for the Saic and Troxler, are as follows:

Temperature -	Normal ambient
Atmosphere -	Dusty, industrial atmosphere
Vibration -	Normal to moderate

No means of cooling will be required.

Inspections will be made at least once every six (6) months of the source units and shutter operation, labels and warning tags, and to ensure that the source units are not exposed to corrosive conditions or high temperatures.

In case of an emergency, the following procedures will be followed for the Saic and Coalscan 3500 Gauges:

1. Rope off a 15 ft. diameter area around the suspected source head.
2. Post warning signs prohibiting access to this area.
3. Inform safety department and person(s) responsible for use of the source as to the current situation.
4. Inform the proper Regional Nuclear Regulatory Commission.
5. Notify the appropriate instrument manufacturer for their assistance.
6. Limit access to source head until a radiation survey and source wipe can be performed by a qualified person or a representative of the manufacturer.

Any additional procedures, as specified by the manufacturer, that will enhance the safety of our employees will be followed.

10. RADIATION SAFETY PROGRAM:

The installation, initial radiation survey, maintenance, unit relocation or removal will be performed by the unit manufacturer or other person(s) specifically trained to perform the services.

SAIC MANUFACTURER: Science Applications International Corp.
800 Oak Ridge Turnpike
P. O. Box 2501
Oak Ridge, Tennessee 37831
CALIF Lic. No. CA590D106S

**COALSCAN
MANUFACTURER:** Scan Technologies, Inc.
2915 Courtyards Drive
Suite B
Norcross, GA 30071
NRC Lic. No. 37-20807-01

Leak testing will be performed at least every six (6) months to determine the presence of .005 microcurie or more, as per manufacturer specifications.

The troxler 3800 leak test kit or equivalent will be used.

MANUFACTURER: Troxler Electronic Lab. Inc.
P. O. Box 12057
Research Triangle Park, NC 27709
NRC Lic. No. 32-0182-01

The leak tests will be performed by the person(s) specified in **Item 7** or other person(s), and/or manufacturer of said units, that have been specifically trained to perform tests.

Manufacturer lock out procedures will be provided to our personnel and will be posted.

The person(s), as specified in **Item 7**, will be responsible for ensuring that the lock out procedures are followed.

The annual ALARA program audit will be conducted by the RSO and a record shall be maintained.

11. WASTE MANAGEMENT:

The disposal of licensed material contained in the listed units, will be transferred to a licensee specifically authorized to possess the radioactive material.