

# MATE CREEK ENERGY, LLC.

May 18, 2007

*NMSB3*

**Licensing Assistant Section**  
Nuclear Materials Safety Branch  
US Nuclear Regulatory Commission, Region 1  
475 Allendale Road  
King of Prussia, PA 19406-1415

RECEIVED  
REGION 1  
2007 MAY 23 PM 1:46

*03032105*


**Re: Certificate of Disposition of Materials (License # 47-25139-01)**

Dear Sir/Ms.:

Mate Creek Energy, LLC disposed of its radioactive sources in April 2007 by transferring said sources to Energy Technology, Inc and Thermo-Gamma Metrics. Attached is Form 314 and associated documents (Forms 241 and final radiation surveys). As noted, please terminate Mate Creek's license.

Please contact me should you have any questions or require additional information. Thank you.

Respectfully,

  
Frank Pinter, P.E.  
Radiation Safety Officer

Cc: Kenneth Goforth

f:\matecreek\nrc\nrc cover letter.doc

ENGINEERING DEPT. • P.O. BOX 379 • RED JACKET, WV 25692  
ROUTE 6 • MEADOR, WV 25682  
PHONE: 304-426-6090 • FAX: 304-426-4231 • EMAIL: FPINTER@ALPHANR.COM

*140544*

**NMSS/RGN1 MATERIALS-002**

### CERTIFICATE OF DISPOSITION OF MATERIALS

Estimated burden per response to comply with this mandatory collection request: 30 minutes. This submittal is used by NRC as part of the basis for its determination that the facility is released for unrestricted use. Send comments regarding burden estimate to the Records and FOIA/Privacy Services Branch (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to infocollects@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0028), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

LICENSEE NAME AND ADDRESS  
Mate Creek Energy, LLC  
P.O. Box 343  
Red Jacket, WV 25692-0343

LICENSE NUMBER: 47-25139-01  
DOCKET NUMBER: 030-32105  
LICENSE EXPIRATION DATE: 06/30/2011

#### A. LICENSE STATUS (Check the appropriate box)

- This license has expired.  This license has not yet expired; please terminate it.

#### B. DISPOSAL OF RADIOACTIVE MATERIAL

(Check the appropriate boxes and complete as necessary. If additional space is needed, provide attachments)

The licensee, or any individual executing this certificate on behalf of the licensee, certifies that:

- 1. No radioactive materials have ever been procured or possessed by the licensee under this license.
- 2. All activities authorized by this license have ceased, and all radioactive materials procured and/or possessed by the licensee under this license number cited above have been disposed of in the following manner:
  - a. Transfer of radioactive materials to the licensee listed below:  
(See following attachment B-2,A.)
  - b. Disposal of radioactive materials:
    - 1. Directly by the licensee:
    - 2. By licensed disposal site:
    - 3. By waste contractor:
  - c. All radioactive materials have been removed such that any remaining residual radioactivity is within the limits of 10 CFR Part 20, Subpart E, and is ALARA.

#### SURVEYS PERFORMED AND REPORTED

- 1. A radiation survey was conducted by the licensee. The survey confirms:
  - a. the absence of licensed radioactive materials
  - b. that any remaining residual radioactivity is within the limits of 10 CFR 20, Subpart E, and is ALARA.
- 2. A copy of the radiation survey results:
  - a. is attached; or  b. is not attached (Provide explanation); or  c. was forwarded to NRC on: \_\_\_\_\_ Date
- 3. A radiation survey is not required as only sealed sources were ever possessed under this license, and
  - a. The results of the latest leak test are attached; and/or
  - b. No leaking sources have ever been identified.

The person to be contacted regarding the information provided on this form:

NAME Frank Pinter	TITLE Chief Engineer, R.S.O.	TELEPHONE (Include Area Code) (304) 426-6090	E-MAIL ADDRESS fpinter@alphanr.com
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Mail all future correspondence regarding this license to:  
P.O. Box 379 Red Jacket, WV 25692

#### C. CERTIFYING OFFICIAL

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT

PRINTED NAME AND TITLE Frank Pinter, Chief Engineer & R.S.O.	SIGNATURE 	DATE 5/18/07
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WARNING: FALSE STATEMENTS IN THIS CERTIFICATE MAY BE SUBJECT TO CIVIL AND/OR CRIMINAL PENALTIES. NRC REGULATIONS REQUIRE THAT SUBMISSIONS TO THE NRC BE COMPLETE AND ACCURATE IN ALL MATERIAL RESPECT. 18 U.S.C. SECTION 1001 MAKES IT A CRIMINAL OFFENSE TO MAKE A WILLFULLY FALSE STATEMENT OR REPRESENTATION TO ANY DEPARTMENT OR AGENCY OF THE UNITED STATES AS TO ANY MATTER WITHIN ITS JURISDICTION.

140544

**NRC Form 314**

**Attachment B-2.A**

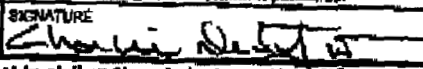
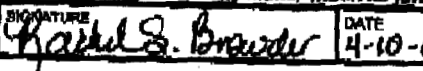
**Sources:** Am-241 , Cs-137  
**Date of Transfer:** April 16, 2007  
**Name of Recipient:** Energy Technology, Inc.  
**Contact Name & Number:** David Swindell (865-927-9330)  
**License Number:** R-47148-D08

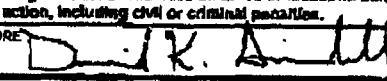
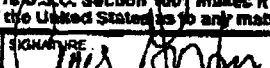
**(NRC Form 241 is attached.)**

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**Sources:** Cf-252  
**Date:** April 16, 2007  
**Name:** Thermo Gamma – Metrics  
**Contact:** Charlie DeStefano (858-882-1203)  
**License:** 3775-37 Amend 54

**(NRC Form 241 is attached.)**

NRC FORM 241 (8-2002)		U.S. NUCLEAR REGULATORY COMMISSION		APPROVED BY DMB: NO. 3168-0013 Estimated burden per response to comply with this mandatory collection request: 15 minutes. This notification is required so that NRC may schedule inspection of the activities to ensure that they are conducted in accordance with requirements for protection of the public health and safety. Send comments regarding burden estimate to the Records Management Branch (7-626), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by Internet e-mail to info@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NRC-10202 (8150-0013), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.	
<b>REPORT OF PROPOSED ACTIVITIES IN NON-AGREEMENT STATES, AREAS OF EXCLUSIVE FEDERAL JURISDICTION, OR OFFSHORE WATERS</b> (Please read the instructions before completing this form)				EXPIRES: 06/30/2008	
1. NAME OF LICENSEE (Person or firm proposing to conduct the activities described below) Thermo Gamma-Metrics		3. ADDRESS OF LICENSEE (Mailing address or other location where licensee may be located) 10010 Mesa Rim Road San Diego, CA 92121 Engr: Ron Curry 304.904.8944		4. LICENSEE CONTACT AND TITLE Charlie DeStefano - Radiation Safety Officer	
5. TELEPHONE NUMBER (Include Area Code) (858) 882-1203		6. FACSIMILE NUMBER (Include Area Code) (858) 546-1734		7. ACTIVITIES TO BE CONDUCTED UNDER THE GENERAL LICENSE GIVEN IN 10 CFR 150.20 <input type="checkbox"/> WELL LOGGING <input type="checkbox"/> LEAK TESTING AND/OR CALIBRATIONS <input type="checkbox"/> TELETHERAPY/RADIATOR SERVICE <input type="checkbox"/> PORTABLE GAUGES <input checked="" type="checkbox"/> OTHER (Specify) ⇒ Source Removal <input type="checkbox"/> RADIOGRAPHY ⇒ REGISTERED AS USER OF PACKAGING (CERTIFICATES OF COMPLIANCE NUMBERS)	
8. CLIENT NAME, ADDRESS, CITY/COUNTY, STATE, ZIP CODE Energy Technology Inc. PO Box 23660 Knoxville, TN 37933-1860 RSO on site - John McNew (304) 428-4414			9. ACTUAL PHYSICAL ADDRESS OF WORK LOCATION (Street and Number or other location. Give as complete an address or directions as possible.) Mate Creek Plant State Rt. 6 2.5 miles SE of Red Jacket Post Office Red Jacket, WV 25692		
10. CLIENT TELEPHONE NUMBER (Include Area Code) (865) 927-9330		11. WORK LOCATION TELEPHONE NUMBER (Include Area Code) (865) 927-9330		12. DATES SCHEDULED FROM: 04/16/2007 TO: 04/16/2007	
13. NUMBER OF WORK DAYS 1		14. ADD		15. DELETE	
16. LOCATION REFERENCE NUMBER NUMBER TO BE ASSIGNED BY NRC #0377		17. LIST RADIOACTIVE MATERIAL, WHICH WILL BE POSSESSED, USED, INSTALLED, SERVICED, OR TESTED (Include description of type and quantity of radioactive material, sealed sources, or devices to be used.) Source removal - ct252 / Z2319-10.4ug and Z2320-10.6ug		18. AGREEMENT STATE SPECIFIC LICENSE WHICH AUTHORIZES THE UNDERSIGNED TO CONDUCT ACTIVITIES WHICH ARE THE SAME, EXCEPT FOR LOCATION OF USE, AS SPECIFIED IN ITEM 9 ABOVE. (Four copies of the specific license must accompany the initial NRC Form 241.) LICENSE NUMBER: 3776-37 amend 54    STATE: CA    EXPIRATION DATE: 2/19/2012	
19. CERTIFICATION (MUST BE COMPLETED BY APPLICANT)					
I, THE UNDERSIGNED, HEREBY CERTIFY THAT:					
a. All information in this report is true and complete. b. I have read and understand the provision of the general license 10 CFR 150.20 reprinted on the instructions of this form and I understand that I am required to comply with these provisions as to all byproduct, source, or special nuclear material which I possess and use in non-Agreement States or offshore waters under the general license for which this report is filed with the U.S. Nuclear Regulatory Commission. c. I understand that activities, including storage, conducted in non-Agreement States under general license 10 CFR 150.20 are limited to a total of 180 days in calendar year, with the exception of work conducted in off-shore waters, which is authorized for an unlimited period of time in the calendar year. d. I understand that I may be inspected by NRC at the above listed work site locations and at the Licensee home office address for activities performed in non-Agreement States or offshore waters. e. I understand that conduct of any activities not described above, including conduct of activities on dates or locations different from those described above or without NRC authorization, may subject me to enforcement action, including civil or criminal penalties.					
CERTIFYING OFFICER - RSO or Management Representative (Name and Title) Charlie DeStefano		SIGNATURE 		DATE 04/08/2007	
WARNING: False statements in this certificate may be subject to civil and/or criminal penalties. NRC regulations require that submissions to the NRC be complete and accurate in all material respects. 18 U.S.C. Section 1001 makes it a criminal offense to make a willfully false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.					
FOR NRC USE ONLY		REVIEWING OFFICIAL (Name and Title) Rachel S. Browder Health Physicist		SIGNATURE 	
DATE 4-10-07		DATE 4-10-07		TOTAL USAGE - DAYS TO DATE	

<b>NRC FORM 241</b> <small>(8-2005)</small>		<b>U.S. NUCLEAR REGULATORY COMMISSION</b>		<b>APPROVED BY OMB: NO. 3160-0013</b>		<b>EXPIRES: 08/31/2008</b>	
<p align="center"><b>REPORT OF PROPOSED ACTIVITIES IN NON-AGREEMENT STATES, AREAS OF EXCLUSIVE FEDERAL JURISDICTION, OR OFFSHORE WATERS</b></p> <p align="center"><i>(Please read the instructions before completing this form)</i></p>							
<b>1. NAME OF LICENSEE</b> <small>(Person or firm proposing to conduct the activities described below)</small> Energy Technologies Inc.				<b>2. TYPE OF REPORT</b> <input type="checkbox"/> INITIAL <input checked="" type="checkbox"/> CHANGE			
<b>3. ADDRESS OF LICENSEE</b> <small>(Mailing address or other location where licensee may be located)</small> 8819 Joe Daniels Road Knoxville, TN 37931				<b>4. LICENSEE CONTACT AND TITLE</b> David K. Swindell, RSO		<b>5. TELEPHONE NUMBER</b> <small>(Include Area Code)</small> (865) 927-9330	
				<b>6. FACSIMILE NUMBER</b> <small>(Include Area Code)</small> (865) 927-8017			
<b>7. ACTIVITIES TO BE CONDUCTED UNDER THE GENERAL LICENSE GIVEN IN 10 CFR 150.20</b> <input type="checkbox"/> WELL LOGGING <input checked="" type="checkbox"/> LEAK TESTING AND/OR CALIBRATIONS <input type="checkbox"/> TELETHERAPY/RADIATOR SERVICE <input type="checkbox"/> PORTABLE GAUGES <input checked="" type="checkbox"/> OTHER (Specify) • • Remove non-portable gauge Model DGA-400 <input type="checkbox"/> RADIOGRAPHY    • • REGISTERED AS USER OF PACKAGING (CERTIFICATES OF COMPLIANCE NUMBERS)							
<b>8. CLIENT NAME, ADDRESS, CITY/COUNTY, STATE, ZIP CODE</b> Mate Creek Energy of West Virginia P.O. Box 343 Red Jacket, WV 25692				<b>9. ACTUAL PHYSICAL ADDRESS OF WORK LOCATION</b> <small>(Street and Number or other location. Give as complete an address or directions as possible.)</small> State Rt. 6 2.5 miles SE of Red Jacket Post Office Red Jacket, WV			
				<b>10. CLIENT TELEPHONE NUMBER</b> <small>(Include Area Code)</small> (304) 426-4414		<b>11. WORK LOCATION TELEPHONE NUMBER</b> <small>(Include Area Code)</small> (304) 426-6690	
<b>12. DATES SCHEDULED</b> FROM: 04/16/2007 TO: 04/16/2007		<b>13. NUMBER OF WORK DAYS</b> 1		<b>14. ADD</b>		<b>15. DELETE</b>	
						<b>16. LOCATION REFERENCE NUMBER</b> NUMBER TO BE ASSIGNED BY NRC 000355	
<b>17. LIST RADIOACTIVE MATERIAL WHICH WILL BE POSSESSED, USED, INSTALLED, SERVICED, OR TESTED</b> <small>(Provide description of type and quantity of radioactive material, sealed sources, or devices to be used.)</small> Americium 241 (200 mCi) (Amersham AMG 26) Cesium 137 (10 mCi) (Amersham CDG 805)							
<b>18. AGREEMENT STATE SPECIFIC LICENSE WHICH AUTHORIZES THE UNDERSIGNED TO CONDUCT ACTIVITIES WHICH ARE THE SAME, EXCEPT FOR LOCATION OF USE, AS SPECIFIED IN ITEM 7 ABOVE.</b> <small>(One copy of the specific license must accompany the initial NRC Form 241.)</small>				<b>LICENSE NUMBER</b> R-47148-D08		<b>STATE</b> TN	
				<b>EXPIRATION DATE</b> 4/30/2008			
<b>19. CERTIFICATION (MUST BE COMPLETED BY APPLICANT)</b> I, THE UNDERSIGNED, HEREBY CERTIFY THAT:							
a. All information in this report is true and complete. b. I have read and understand the provision of the general license 10 CFR 150.20 reprinted on the instructions of this form; and I understand that I am required to comply with these provisions as to all byproduct, source, or special nuclear material which I possess and use in non-Agreement States or offshore waters under the general license for which this report is filed with the U.S. Nuclear Regulatory Commission. c. I understand that activities, including storage, conducted in non-Agreement States under general license 10 CFR 150.20 are limited to a total of 180 days in calendar year. With the exception of work conducted in off-shore waters, which is authorized for an unlimited period of time in the calendar year. d. I understand that I may be inspected by NRC at the above listed work site locations and at the Licensee home office address for activities performed in non-Agreement States or offshore waters. e. I understand that conduct of any activities not described above, including conduct of activities on dates or locations different from those described above or without NRC authorization, may subject me to enforcement action, including civil or criminal penalties.							
<b>CERTIFYING OFFICER - RSO or Management Representative (Name and Title)</b> David K. Swindell, RSO				<b>SIGNATURE</b> 		<b>DATE</b> 04/09/2007	
<b>WARNING: False statements in this certificate may be subject to civil and/or criminal penalties. NRC regulations require that submissions to the NRC be complete and accurate in all material respects. 18 U.S.C. Section 1001 makes it a criminal offense to make a willfully false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.</b>							
<b>FOR NRC USE ONLY</b>		<b>REVIEWING OFFICIAL (Typed Printed Name and Title)</b> Craig Gordon, Sr. RP		<b>SIGNATURE</b> 		<b>DATE</b> 4/10/07	
						<b>TOTAL USAGE - DAYS TO DATE</b> 5	

@ 4/10/07



ENERGY TECHNOLOGIES INC.

May 4, 2007

Mate Creek Energy  
Elemental Analyser  
P.O. Box 343  
Red Jacket, WV 25692

Attn: JR King  
Responsible Authority

Dear Sir,

SUBJECT: LEAK TEST CERTIFICATE & 6-MONTH INVENTORY

To meet the requirements of the U.S. NRC and the Agreement States concerning semi-annual inventories of radioactive material, please consider the sources present and accounted for on the date of this leak test that are listed on the following page.

Please find attached the certificate for the source leak tests that were performed on 2007-04-16 on the Elemental Analyzer. If you have any questions, please call me at (865) 927-9330.

Sincerely,

ENERGY TECHNOLOGIES INC.

David K. Swindell  
Radiation Safety Officer

cc: File - RADIATION (Leak Tests)

**REPORT OF SEALED RADIOACTIVE SOURCE LEAK TEST**

Sealed source leak test were performed as shown below under the provisions of radioactive materials license R-47148-D08.

Date of test: 2007-04-16

Responsible Authority:

Mate Creek Energy  
Mate Creek Energy  
Red Jacket, WV 25692

Radioactive Source(s) Tested: S/N: ETL-041E

<u>Sources</u>	<u>Activity</u>	<u>Amersham S/N</u>
Cf-252	10.2 mCi	FTC-CF-Z2319
Cf-252	10.4 mCi	FTC-CF-Z2320

Results: All sources tested above showed less than 0.005 microcuries of removable contamination. This result indicates no evidence of a leaking source.

Important: A copy of this report should be kept available for inspection by state health department or Nuclear Regulatory Commission personnel.

  
David K. Swindell, Radiation Safety Officer



Energy Technologies Inc.  
8819 Joe Daniels Road  
Knoxville, TN 37933  
(865) 927-9330



ENERGY TECHNOLOGIES INC.

May 4, 2007

Mate Creek Energy  
Loadout  
P.O. Box 343  
Red Jacket, WV 25692

Attn: JR King  
Responsible Authority

Dear Sir,

**SUBJECT: LEAK TEST CERTIFICATE & 6-MONTH INVENTORY**

To meet the requirements of the U.S. NRC and the Agreement States concerning semi-annual inventories of radioactive material, please consider the sources present and accounted for on the date of this leak test that are listed on the following page.

Please find attached the certificate for the source leak tests that were performed on 2007-04-16 on the Model DGA-Series 400 Ashmeter. If you have any questions, please call me at (865) 927-9330.

Sincerely,

ENERGY TECHNOLOGIES INC.

David K. Swindell  
Radiation Safety Officer

cc: File - RADIATION (Leak Tests)



**REPORT OF SEALED RADIOACTIVE SOURCE LEAK TEST**

Sealed source leak test were performed as shown below under the provisions of radioactive materials license R-47148-D08.

Date of test: 2007-04-16

Responsible Authority:

Mate Creek Energy  
Mate Creek Energy  
Red Jacket, WV 25692

Radioactive Source(s) Tested: S/N: ETI-041

<u>Sources</u>	<u>Activity</u>	<u>Amersham S/N</u>
Am-241	200mCi	4446LQ
Cs-137	10mCi	4744GQ

Results: All sources tested above showed less than 0.005 microcuries of removable contamination. This result indicates no evidence of a leaking source.

Important: A copy of this report should be kept available for inspection by state health department or Nuclear Regulatory Commission personnel.

  
David K. Swindell, Radiation Safety Officer

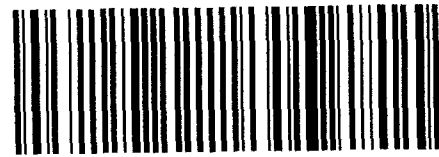


Energy Technologies Inc.  
8819 Joe Daniels Road  
Knoxville, TN 37933  
(865) 927-9330

140544

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**CERTIFIED MAIL™**



7002 2030 0002 7225 9108



Frank Pinter  
Engineering  
P.O. Box 379  
Red Jacket, WV 25692



Licensing Assistant Section  
Nuclear Materials Safety Branch  
US Nuclear Regulatory Commission Region 1  
475 Allendale Road  
King of Prussia, PA 19406-1415

This is to acknowledge the receipt of your letter/application dated

5/18/2007, and to inform you that the initial processing which includes an administrative review has been performed.

TEAM 47-25139-01  
There were no administrative omissions. Your application was assigned to a technical reviewer. Please note that the technical review may identify additional omissions or require additional information.

Please provide to this office within 30 days of your receipt of this card

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A copy of your action has been forwarded to our License Fee & Accounts Receivable Branch, who will contact you separately if there is a fee issue involved.

Your action has been assigned **Mail Control Number** 140544.  
When calling to inquire about this action, please refer to this control number.  
You may call us on (610) 337-5398, or 337-5260.