

CHISHOLM COAL COMPANY

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February 20, 2003

Nuclear Regulatory Commission
Region II
61 Forsyth Street, S.W.
Suite 23T85
Atlanta, Georgia 30303
Attn: Jeff Griffiths

Re: Madison Mine Gauges

Dear Mr. Griffiths:

Stelco has asked me to respond to your recent inquiry concerning the nuclear density gauge that was in use at the Madison Mine of Kanawha Coal Company in the 1980's. My assistance to Stelco is in the administrative sense. I was not and have never been an employee of Kanawha Coal or of Madison Mine.

If you recall, we had discussions on this issue in 2002 with our last being a telephone conversation on November 18, 2002. I was supposed to send you an email summarizing our conversations at that time but with the closure of our mine, I simply got sidetracked. I apologize for my oversight.

To summarize our conversation at that time:

1. Kanawha Coal (Madison Mine) did have a nuclear density gauge in the 1980's.
2. The gauge was sold or otherwise given to the Battle Ridge Companies, whose principal owner to the best of my recollection was Carl Frischkorn. Our last knowledge of their address was: 1000 River East Drive, Belle, WV 25015, Phone: 304-926-7200
3. Mr. Bernard Merlo who was formerly employed by Kanawha Coal confirmed the gauge transfer to Battle Ridge to me.

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4. I believe that I sent you the two (2) documents that we were able to find in our files regarding the gauges, namely (a) a Material License Supplementary Sheet dated 07/03/89 from the NRC terminating the license referencing a Certificate of Disposition of Materials dated 02/01/89 (not found) and (b) a notice dated 07/05/89 of Information for NRC Material Licenses that is an amendment terminating the NRC license.

I will send you copies of these documents if you so desire. We have thoroughly reviewed our files and these are our only documents.

If we can be of further assistance in resolving this matter, please let me know.

Sincerely,



Robert C. Miser



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W.
ATLANTA, GEORGIA 30323

JUL 05 1989

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, comments or questions, please notify us promptly so that we can respond accordingly. Telephone inquiries may be directed to the Nuclear Materials Safety Section at 404/331-4673.

Please be advised that unless your license has been terminated, you must conduct your program involving radioactive 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 Part 19, "Notices, Instructions and Reports to Workers: Inspections," and 10 CFR Part 20, "Standards for Protection Against Radiation."
2. Possess and use radioactive material only in the quantity, form, and for the purposes specified in your license.
3. Notify NRC in writing at the above address (ATTN: Chief, Nuclear Materials Safety Section) of any change in mailing address (no fee required).
4. Request and obtain appropriate amendments if you plan to change ownership of your organization, change locations of radioactive material, change personnel using radioactive material, or make any other changes in your facility or program which are contrary to your license conditions or representations made in your license application. A license fee may be charged for the amendments if you are not in a fee-exempt category.
5. Submit a complete renewal application or termination request at least 30 days before the expiration date on your license. You will receive a reminder notice approximately 90 days before the expiration date. Possession of radioactive material after your license expires is a violation of NRC regulations.
6. Request termination of your license if you plan to permanently discontinue activities involving radioactive material (no fee required).

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 will result in enforcement action. 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 Policy and Procedures for NRC Enforcement Actions, 10 CFR Part 2, Appendix C.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License number

47-21056-01

Docket or Reference number

030-19721

Amendment No. 05

Kanawha Coal Company
Madison Mine
Route 1, Box 420
Ashford, West Virginia 25009

In accordance with Certificate of Disposition of Materials dated February 1, 1989,
License Number 47-21056-01 is hereby terminated.

FOR THE U. S. NUCLEAR REGULATORY COMMISSION

EARL G. WRIGHT

By

Earl G. Wright

Region II, Nuclear Materials
Safety Section

101 Marietta Street, Suite 2900
Atlanta, GA 30323

Date

JUL 03 1989