



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

March 13, 2006

Docket No. 03037140
Control No. 138419

License No. 47-23091-02

William G. Newsome
Radiation Safety Officer
Jack's Branch Coal Company
DBA Mammoth Coal Processing
P.O. Box 150
Cannelton, WV 25036

SUBJECT: JACK'S BRANCH COAL COMPANY, REQUEST FOR ADDITIONAL INFORMATION CONCERNING APPLICATION FOR NEW LICENSE, CONTROL NO. 138419

Dear Mr. Newsome:

This is in reference to your application dated February 3, 2006, applying for a Nuclear Regulatory Commission license. In order to continue our review, we need the following additional information:

1. Your application states that the qualification for the proposed radiation safety officer (RSO) consists of a forty hour radiation safety course and more than 30 hours of hands-on experience with fixed gauges. As stipulated in NUREG-1556, Volume 4, "Consolidated Guidance About Material Licenses: Program-Specific Guidance about Fixed Gauge Licenses" dated October 1998, section 8.7.1, acceptable RSO training requirements include 1) successful completion of a fixed gauge manufacturer's or distributor's course for users or RSOs, 2) successful completion a course that meets NUREG-1556 Appendix G criteria, or 3) additional information which otherwise demonstrates that the proposed RSO is qualified by training and experience.

Please confirm that the RSO training course meets the requirements of Appendix G or provide additional information which demonstrates that the proposed RSO's qualifications are adequate.

Please provide evidence to substantiate completion of the referenced radiation safety course.

Please confirm that future RSOs will be trained in accordance with the guidance contained within NUREG-1556, Volume 4, Section 8.7.1.

2. Your application states that training for authorized users is successful completion of a fixed gauge manufacturer's or distributor's course for users or completion of a forty hour radiation safety course. As stipulated in NUREG-1556, Volume 4, section 8.7.2, acceptable authorized user training options are 1) successful completion of a fixed gauge manufacturer's or distributor's course for users, 2) successful completion of a

course that meets Appendix G criteria, or 3) a detailed description of training and experience otherwise proposed.

Please confirm that authorized user training courses will meet the requirements of Appendix G or provide a detailed description of the proposed authorized user training to include the course content, training assessment method, and instructor qualifications.

- 3) Recent unsuccessful attempts to contact the proposed RSO indicate that this individual is not physically assigned at your licensed facility. While it our preference to have an RSO assigned at the license facility, it is may be acceptable to use an individual assigned to another facility provided that you can demonstrate that an acceptable level of RSO oversight will be available to support safe use of licensed material.

Please identify an appropriately qualified individual at the license facility who will function as the RSO, or if using an offsite RSO, please provide 1) an organizational chart that identifies the RSO's reporting position within the plant staff, 2) an estimate of the annual onsite hours and visitation frequency anticipated for the RSO, 3) an estimate of the time required for RSO response to a radiation safety event, and 4) what position(s) on site will be responsible for overseeing the day-to-day radiation safety program.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Industrial, and Academic Uses of Nuclear Material**; then **Toolkit Index Page**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

We will continue our review upon receipt of this information. Please reply to my attention at the Region I Office and refer to Mail Control No. 138419. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5276.

If we do not receive a reply from you within 30 calendar days from the date of this letter, we will assume that you do not wish to pursue your application.

Sincerely,

Original signed by James Schmidt

James Schmidt
Health Physicist
Materials Security and Industrial Branch
Division of Nuclear Materials Safety

cc:
David C. Hughart, President

DOCUMENT NAME: E:\Filenet\ML060740612.wpd

SISP Review Complete: JSchmidt

After declaring this document "An Official Agency Record" it will be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	<input checked="" type="checkbox"/> N	DNMS/RI	<input type="checkbox"/>	DNMS/RI	<input type="checkbox"/>		
NAME	JSchmidt/JS							
DATE	3/13/06							

OFFICIAL RECORD COPY