

January 28, 2009

Mid-Vol Coal Sales, Inc
640 Clover Dew Dairy Road
Princeton, WV 24740
304-325-5720

Pr 3

U.S. Nuclear Regulatory Commission
Division of Nuclear Materials Safety
Licensing Assistance Team
475 Allendale Road
King of Prussia, PA 19406-1415

03036910
X

Subject: License Renewal 47-31035-01

Enclosed you will find a completed NRC Form 313 with attachments per NUREG-1556, Vol. 4. We have a Gamma-Metrics 1812C Analyzer with sealed sources utilized for industrial measuring systems. Our category is "1C" and our Application Program Code is 22140 per 10 CFR 170.31 and enclosed you will find a check for the licensing fee of eleven (1,100) hundred dollars.

If there any questions, please feel free to call me at the office 304-325-5720, on-site at 304-383-4905, or by cell phone at 304-921-0720.

Sincerely,



Bo Mabardy
Mid-Vol Coal Sales, Inc
Radiation Safety Officer

2009 FEB - 2 PM 12: 06

RECEIVED
REGION I

143273

NMSS/RCMI MATERIALS-002

NRC FORM 313
(4-2008)
10 CFR 30, 32, 33,
34, 35, 36, 39, and 40

U.S. NUCLEAR REGULATORY COMMISSION

APPROVED BY OMB: NO. 3150-0120

EXPIRES: 10/31/2008

APPLICATION FOR MATERIALS LICENSE

Estimated burden per response to comply with this mandatory collection request: 4.4 hours. Submittal of the application is necessary to determine that the applicant is qualified and that adequate procedures exist to protect the public health and safety. Send comments regarding burden estimate to the Records and FOIA/Privacy Services Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to infocollecta@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0120), 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.

INSTRUCTIONS: SEE THE APPROPRIATE LICENSE APPLICATION GUIDE FOR DETAILED INSTRUCTIONS FOR COMPLETING APPLICATION. SEND TWO COPIES OF THE ENTIRE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.

APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:

DIVISION OF INDUSTRIAL AND MEDICAL NUCLEAR SAFETY
OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001

ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS:

IF YOU ARE LOCATED IN:

ALABAMA, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, FLORIDA, GEORGIA, KENTUCKY, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, PUERTO RICO, RHODE ISLAND, SOUTH CAROLINA, TENNESSEE, VERMONT, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA, SEND APPLICATIONS TO:

LICENSING ASSISTANCE TEAM
DIVISION OF NUCLEAR MATERIALS SAFETY
U.S. NUCLEAR REGULATORY COMMISSION, REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415

IF YOU ARE LOCATED IN:

ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND APPLICATIONS TO:

MATERIALS LICENSING BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, IL 60532-4352

ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, HAWAII, IDAHO, KANSAS, LOUISIANA, MISSISSIPPI, MONTANA, NEBRASKA, NEVADA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, OREGON, PACIFIC TRUST TERRITORIES, SOUTH DAKOTA, TEXAS, UTAH, WASHINGTON, OR WYOMING, SEND APPLICATIONS TO:

NUCLEAR MATERIALS LICENSING BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV
612 E. LAMAR BOULEVARD, SUITE 400
ARLINGTON, TX 76011-4125

030 36910
X

PERSONS LOCATED IN AGREEMENT STATES SEND APPLICATIONS TO THE U.S. NUCLEAR REGULATORY COMMISSION ONLY IF THEY WISH TO POSSESS AND USE LICENSED MATERIAL IN STATES SUBJECT TO U.S. NUCLEAR REGULATORY COMMISSION JURISDICTIONS.

1. THIS IS AN APPLICATION FOR (Check appropriate item)

- A. NEW LICENSE
- B. AMENDMENT TO LICENSE NUMBER _____
- C. RENEWAL OF LICENSE NUMBER **47-31035-01**

2. NAME AND MAILING ADDRESS OF APPLICANT (Include ZIP code)

MID-VOL COAL SALES, INC.
640 Clover Dew Dairy Road
Princeton, WV 24740

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

Roadfork Loadout located 2 miles south of Skygusty, West Virginia on West Virginia Highway 161.

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

Bo Mabardy

TELEPHONE NUMBER

(304) 921-0720

SUBMIT ITEMS 5 THROUGH 11 ON 8-1/2 X 11" PAPER. THE TYPE AND SCOPE OF INFORMATION TO BE PROVIDED IS DESCRIBED IN THE LICENSE APPLICATION GUIDE.

5. RADIOACTIVE MATERIAL

a. Element and mass number; b. chemical and/or physical form; and c. maximum amount which will be possessed at any one time.

6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED.

7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING EXPERIENCE.

8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.

9. FACILITIES AND EQUIPMENT.

10. RADIATION SAFETY PROGRAM.

11. WASTE MANAGEMENT.

12. LICENSE FEES (See 10 CFR 170 and Section 170.31)

FEE CATEGORY AMOUNT ENCLOSED \$

13. CERTIFICATION. (Must be completed by applicant) THE APPLICANT UNDERSTANDS THAT ALL STATEMENTS AND REPRESENTATIONS MADE IN THIS APPLICATION ARE BINDING UPON THE APPLICANT.

THE APPLICANT AND ANY OFFICIAL EXECUTING THIS CERTIFICATION ON BEHALF OF THE APPLICANT, NAMED IN ITEM 2, CERTIFY THAT THIS APPLICATION IS PREPARED IN CONFORMITY WITH TITLE 10, CODE OF FEDERAL REGULATIONS, PARTS 30, 32, 33, 34, 35, 36, 39, AND 40, AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF.

WARNING: 18 U.S.C. SECTION 1001 ACT OF JUNE 25, 1948 82 STAT. 749 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.

CERTIFYING OFFICER - TYPED/PRINTED NAME AND TITLE

Greg Jessee, President, Mid-Vol Coal Sales, Inc

SIGNATURE

(Signature)

DATE

01/27/2009

FOR NRC USE ONLY

TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
			\$		
APPROVED BY				DATE	

143273

01/20/2009

Mid-Vol Coal Sales, Inc. submits the following details for consideration for the renewal of our fixed gauge license 47-31035-01.

Item 5:

- A. Cesium 137; Sealed Sources (AEA Technology Models CDC.704, CDC.705, CDC.805; Isotope Products Laboratories Model 225) : Not to exceed the maximum activity per device as specified in Sealed Source and Device Registration Certificate.
- B. Californium 252; Sealed Sources (QSA Global Model Series CVN.CYn; Frontier Model 100 Series; Tenex/FSUE State Scientific Center of Russia Model HK252M41 Series). Not to exceed the maximum activity per device as specified in Sealed Source and Device Registration Certificate.

Item 6:

The aforementioned sources will be installed in an elemental analyzer and used for the purposes listed on the SSD Registration Certificate which is manufactured by Gamma-Metrics as a Model 1812C Coal analyzer system. The 1812C's purpose is to perform a coal quality analysis of our product coal as we load onto a train.

Item 7.1:

The Radiation Safety Officer will remain the same:

Bo Mabardy has and will continue to maintain the Radiation Safety Program for the company. Mr. Mabardy has been employed with us for 5 years as a Certified Master and Mining Electrician. Previously Mr. Mabardy was employed by Westinghouse Electric as a Field Service Engineer for eight(8) years in and around containments and their equipment. Mr. Mabardy was safety trained for Nuclear, Gamma, and Neutron Radiation in 1981. Mr. Mabardy has completed a Certified Radiation Safety Officer course in March 2005.

Item 7.2:

The Authorized User List consists of:

Steve Lambert has been employed by Mid-Vol Coal Sales, Inc for 5 years and has completed an approved Certified Radiation Officer Course in June, 2005. Mr. Lambert is a Veteran of the US Marine Corps and has worked as a supervisor in the proper use, treatment and care of this nuclear equipment.

Jon Casey has been employed by Mid-Vol Coal Sales, Inc for 6 years. Mr. Casey has completed an approved Certified Radiation Safety Officer Course in June, 2005. Mr. Casey's work experience includes previous work with fixed gauges and their radiation safety requirements.

Item 9:

Our Gamma-Metric 1812C Analyzer is located behind two(2) locked steel doors. To prevent any unauthorized access or removal; we have a 24 hour Manned Security Company and we also maintain a multiple camera security system with a HDD recording.

Item 10:

Surveys according to 10 CFR 20.1501 will be performed by a person specifically authorized by the NRC or an Agreement State to perform these surveys.

Physical inventories will be conducted at least every 6 months or at other intervals approved by the NRC to account for all sealed sources and devices received and possessed under this license.

We will perform a prospective evaluation demonstrating that unmonitored individuals are not likely to receive, in one year, a radiation dose in excess of 10% of the allowable limits in 10CFR Part 20.

Item 10 continued:

Operating and Emergency Procedures are developed, implemented, maintained, and displayed per the Criteria in the section "Radiation Safety Program – Operating Emergency Procedures," in NUREG-1556, Vol. 4, dated October 1998.

Leak tests will be performed at intervals approved by the NRC or an Agreement State and specified in the SSD Registration Certificate. Leak tests are performed by an organization authorized by NRC or an Agreement State to provide leak testing services for other licensees or using a leak test kit supplied by an organization authorized by NRC or an Agreement State to provide leak test kits to other licensees and according to the kit supplier's instructions. Records of leak test results will be maintained.

We will implement and maintain procedures for routine maintenance of our gauges according to the manufacturer's written recommendations and instructions.

The gauge manufacturer authorized by NRC will perform non-routine operations such as installation, refueling, initial radiation survey, repair and maintenance of components related to the radiological safety of the gauge, gauge relocation, replacement, and disposal of sealed sources, alignment, or removal of a gauge from service.

Attached with this renewal application is a copy of a recent site inspection with no violations validating our commitment to meeting the NRC guidelines. In addition, we have enclosed the latest Licensed Material Inventory/Leak Test Documentation.

(This form is controlled by procedure *Radiation Contamination Wipe Test*)

Reason for Leak Test: REGULAR 6-MONTH INSP AND WIPE Device Type: CBX

Customer: Mid-Vol Leasing Site Name: Roadfork Loadout

Contact Person: Bo Mabardy Device S/N. 800131

SOURCE DATA

Serial Number	Isotope	Amount (µg, mCi, µCi)	Manufacturer	Inventory	Contamination none if < 0.005 µCi
<u>FTC-CF-Z2810</u>	<u>Cf- 252</u>	<u>10.32 µg</u>	<u>Frontier</u>	<input checked="" type="checkbox"/>	<u>NONE</u>
<u>FTC-CF-Z2811</u>	<u>Cf- 252</u>	<u>10.37 µg</u>	<u>Frontier</u>	<input checked="" type="checkbox"/>	<u>None</u>
<u>FTC-CF-Z1351</u>	<u>Cf- 252</u>	<u>6.00 µg</u>	<u>Frontier</u>	<input checked="" type="checkbox"/>	<u>None</u>
<u>FTC-CF-Z2815</u>	<u>Cf- 252</u>	<u>11.88 µg</u>	<u>Frontier</u>	<input checked="" type="checkbox"/>	<u>None</u>
<u>FTC-CF-Z1500</u>	<u>Cf- 252</u>	<u>2.41 µg</u>	<u>Frontier</u>	<input checked="" type="checkbox"/>	<u>None</u>
<u>3390-GS</u>	<u>Cs- 137</u>	<u>6.55 mCi</u>	<u>Isotope Products</u>	<input checked="" type="checkbox"/>	<u>None</u>

See Leak Test Certificate (Continuation Sheet)

INSTRUMENTS USED

Model: <u>Eberline E600</u>	Serial No. <u>2353</u>	Last Calib Date: <u>1/30/08</u>	Calib Due: <u>1/30/09</u>
Model: <u>Eberline SHP360</u>	Serial No. <u>695</u>	Last Calib Date: <u>1/30/08</u>	Calib Due: <u>1/30/09</u>
Model: _____	Serial No. _____	Last Calib Date: _____	Calib Due: _____

CERTIFICATIONS

- Special Form: Californium 252 (Cf-252) Cf-Pd cermet or Cf-Pd alloy
 Cesium 137 (Cs-137) Cesium Chloride
 Americium 241 (Am-241) Americium Chloride
 Other: _____

Leak Test: The sources listed above have passed the ANSI N5.10-1968, Appendix B, section B2.1 Wipe (Smear) Test with removable Alpha and Beta/Gamma surface contamination less than, or equal to, 0.005 µCi.

Note: A sealed source may be leaking if it has removable contamination that is found to be equal to or greater than 0.005 µCi. (185 Becquerel)

Test Performed By (Print): Jason Campbell Signature: Jason D Campbell Date: 11/4/08

Reference Data: 0.005 µCi = 185 Bq 1 Bq = 27 pCi CPM / (2.22 x 10⁶) = µCi 1 µg = 0.537 mCi

(Modifications to this form must be approved by the RSO)

Radiation Device Survey

Date: 11/4/2008
 Company: Mid-Vol Leasing
 Site: Roadfork Loadout
 Site RSO: Bo Mabardy
 Device Mod: 1812C
 Device S/N: 800131

Radiation Detection Equipment		
Model	S/N	Cal Due Date
Eberline E600	2353	1/30/09
Eberline SHP360	695	1/30/09
Eberline SHP270	599	1/30/09
NRD	725593	1/30/09

Source Info	
Isotope	S/N
Cf-252	FTC-CF-Z2810
Cf-252	FTC-CF-Z2811
Cf-252	FTC-CF-Z1351
Cf-252	FTC-CF-Z2815
Cf-252	FTC-CF-Z1500
Cs-137	3390-GS

No Material On Belt							Standard or Material On Belt						
Gamma		Neutron		Sum		Loc	Gamma		Neutron		Sum		
30 cm	100 cm	30 cm	100 cm	30 cm	100 cm		30 cm	100 cm	30 cm	100 cm	30 cm	100 cm	
0.02	0.01	0.03	0.00	0.03	0.03	1.00	0.00	0.00	0.01	0.00	0.00	0.01	
N/A	N/A	N/A	N/A	#####	#####	2.00	N/A	N/A	N/A	N/A	#VALUE!	#####	
0.04	0.06	0.05	0.00	0.10	0.05	3.00	0.00	0.00	0.00	0.00	0.00	0.00	
0.05	0.01	0.09	0.02	0.06	0.11	4.00	0.01	0.00	0.03	0.02	0.01	0.05	
0.04	0.01	0.07	0.00	0.05	0.07	5.00	0.01	0.00	0.00	0.00	0.01	0.00	
0.03	0.02	0.04	0.00	0.05	0.04	6.00	0.04	0.01	0.01	0.00	0.05	0.01	
0.05	0.03	0.15	0.05	0.07	0.20	7.00	0.02	0.01	0.01	0.01	0.03	0.02	
N/A	N/A	N/A	N/A	#####	#####	8.00	N/A	N/A	N/A	N/A	#VALUE!	#####	
0.05	0.03	0.03	0.01	0.07	0.04	9.00	0.03	0.01	0.02	0.02	0.04	0.03	
0.02	0.01	0.03	0.05	0.03	0.09	###	0.03	0.01	0.04	0.05	0.04	0.09	

NOTE: Use Device Map for survey point locations. Data results in mRem/Hr.

Conversion: 1 mSv = 100 mRem

Surveyed By: Jason Campbell

Signature: *Jason E Campbell*

Date: 11/4/2008

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: Mid-Coal Sales, Inc. Route 123/Airport Road P.O. Box 1112 Princeton, West Virginia 24740 REPORT 2006-001	2. NRC/REGIONAL OFFICE U.S. Nuclear Regulatory Commission Region I, 475 Allendale Road King of Prussia, Pennsylvania 19406-1415
--	---

3. DOCKET NUMBER(S) 030-36910	4. LICENSE NUMBER(S) 47-31035-01	5. DATE(S) OF INSPECTION 4/13/06
---	--	--

LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, NUREG-1600, to exercise discretion, were satisfied.
- Non-Cited Violation(s) was/were discussed involving the following requirement(s) and Corrective Action(s):

4. During this inspection certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

Licensee's Statement of Corrective Actions for Item 4, above.

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

Title	Printed Name	Signature	Date
LICENSEE'S REPRESENTATIVE	BO MABARDY	<i>Bo Mabardy</i>	4/13/06
NRC INSPECTOR	Michael Reichard	<i>Michael Reichard</i>	04/13/06

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

4/21/2009 / 4/27/2009, and to inform you that the initial processing which includes an administrative review has been performed.

ASU General 47-31035-01
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

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** 143273.
When calling to inquire about this action, please refer to this control number.
You may call us on (610) 337-5398, or 337-5260.