REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

January 12, 2010

Docket No. 03035284 License No. 47-25304-02
Control No. 144321

Keith O'Dell
Senior Environmental Engineer
ICG Eastern, LLC
Birch River Mine
P.O. Box 1019
Cowen, WV 26202

SUBJECT: ICG EASTERN, LLC, LICENSE RENEWAL, CONTROL NO. 144321

Dear Mr. O'Dell:

This refers to your request dated November 30, 2009, for renewal of NRC license 47-25304-02. Enclosed with this letter is the renewed license.

Please note that Item 8 of your license now specifies maximum possession limit for each isotope authorized on the license. You must request and receive amendment to your license prior to acquiring any material in excess of these limits. You informed this office that you wanted to include in your specific license the TN Technologies Model 5202 gauge that you had acquired under the general license in 10 CFR 31.5. In order to transfer the gauge to your specific license, you should contact TN Technologies to obtain instructions regarding such transfer. You should also notify Ujagar Bhachu of NRC at (301) 415 7894 after you have completed the transfer so that our records may be updated.

Please review the enclosed document carefully and be sure that you understand all of the conditions. If there are any errors or if you have any questions, please notify the U.S. Nuclear Regulatory Commission, Region I Office, Licensing Assistance Team, (610) 337-5239, so that we can provide appropriate corrections and answers.

The NRC expects licensees to conduct their programs with meticulous attention to detail and high standards of safety and compliance. Because of the serious consequences to employees and the public that can result from failure to comply with NRC requirements, you must conduct your program according to NRC regulations, the conditions of your NRC license, and the representations made in your application. In particular, note that you must:

1. Operate in accordance with NRC regulations 10 CFR Part 19, "Notices, Instructions and Reports to Workers; Inspections," 10 CFR Part 20, "Standards for Protection Against Radiation," and other applicable regulations.

2. Notify the NRC in writing of any change in mailing address.

3. In accordance with 10 CFR 30.36(d), notify the 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 acquire or possess and use authorized material.

4. Request and obtain a license amendment before you:

a) change Radiation Safety Officers;

b) order byproduct material in excess of the amount, or radionuclide, or form different than authorized on the license;

c) add or change the areas of use, or addresses of use identified in the license application or on the license; or

d) change the name or ownership of your organization.

5. Submit a complete renewal application 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.

You will be periodically inspected by the NRC. Failure to conduct your program safely and in accordance with NRC regulations, license conditions, and the 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, imposition of a civil penalty, or an order suspending, modifying or revoking your license.

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14).

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material;** then **Regulations, Guidance, and Communications.** You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

Thank you for your cooperation.

Sincerely,

Original signed by Sattar Lodhi, Ph.D.

Sattar Lodhi, Ph.D.
Senior Health Physicist
Materials Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Amendment No. 02

cc:
James G. Pugh, Radiation Safety Officer

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SUNSI Review Complete: SLodhi

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