



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

MAY 03 2010

Robert. L. Dyer
Radiation Safety Officer
Bear Run Coal Company
7100 Eagle Crest Boulevard, Suite 100
Evansville, IN 47715

Dear Mr. Dyer:

Enclosed is Amendment No. 07 to your NRC Material License No. 13-15133-05 in accordance with your request. Please note that the changes made to your license are printed in **bold font**.

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate corrections and answers.

Please note that, as we discussed with you previously on January 21, 2010, we removed Condition No. 12.B. as it appeared on Amendment No. 06. Due to an NRC policy change, you will not be able to change and name your Radiation Safety Officer (RSO) internally as Condition No. 12.B previously allowed. NRC must do that for you via the amendment process.

For future RSO changes please submit the name of the proposed RSO; his/her training and experience qualifications; a statement signed and dated by the proposed RSO that s/he accepts the position as RSO and that s/he understands the duties and responsibilities associated with the RSO position.

Please also note the modifications we made to your possession limits in Subitem Nos. 8.A. and 8.B. These changes were necessary to comply with the possession limits authorized by the manufacturer in the Sealed Source and Device Registry.

If you have any questions or comments about this amendment please contact me t (630) 829-9752.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). The NRC's document system is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

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 and supplemental correspondence with NRC will result in enforcement action against you. 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 Statement of Policy and Procedure for NRC Enforcement Actions.

R. Dyer

Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

Sincerely,

A handwritten signature in cursive script that reads "Colleen Carol Casey for".

Michael G. Herr, CHP
Materials Licensing Branch

License No. 13-15133-05
Docket No. 030-32790

Enclosure:

Amendment No. 07