



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

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

MAY 24 2010

Dear Mr. Dyer:

Enclosed is Amendment No. 08 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 I discussed with you on May 24, 2010, via telephone, I authorized a slightly greater total activity in Subitem No. 8.A. than you requested in your facsimile letter dated May 21, 2010. I was able to do this because the Sealed Source and Device Registry Certificate (SSDR) for the gauging device in question permits a total possession of up to 15% more activity than the nominal amount listed. The amount authorized at the +15% level is slightly greater than the activity you requested.**

**I restructured the authorization in Subitem Nos. 8.A. and 9.A. to reflect, as closely as possible, the source activities and possession you requested, as matched with the SSDR certificate for this gauge.**

**If you have any questions or comments about this amendment please contact me at (630) 829-9841.**

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".

Colleen Carol Casey  
Materials Licensing Branch

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

Enclosure:

Amendment No. 08