



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION III  
2443 WARRENVILLE ROAD, SUITE 210  
LISLE, ILLINOIS 60532-4352  
FEB 25 2011

John Spears  
Surface Operation Manager / Radiation Safety Officer  
Gibson County Coal, LLC  
2579 West Gibson Coal Road  
P.O. Box 1269  
Princeton, IN 47670

Dear Mr. Spears:

Enclosed is Amendment No. 04 renewing your NRC Material License No. 13-32272-01 in accordance with your request.

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 we removed license Condition No. 12. B from your NRC Material License. Certain sections of NUREG 1556 Vol. 4, dated October 1998, "Consolidate Guidance about Materials Licenses: Program-Specific Guidance about Fixed Gauge Licenses," has change since the last revision and you can no longer self-appoint Radiation Safety Officers (RSOs).**

**In the future you must submit an amendment request for your license before you change RSOs. Your amendment request needs to include the name of the proposed RSO, provide evidence of adequate appropriate training and experience with the fixed gauges, submit a signed and dated statement that the proposed RSO accepts the position and understands the duties and responsibilities associated with it. Your senior management representative must also sign this statement and delegate authority to the proposed RSO to operate your Radiation Safety Program.**

**In addition, we added Condition Nos. 13. F and updated Condition No. 19. These changes should enhance your awareness of the radiation safety program elements in your license and our regulatory requirements.**

**We also noted that you did not reference TN Technologies, Inc. Model No. 5202 in your application dated October 20, 2010. We are unable to remove this gauge model from your license at this time, if that was your intention. To remove the gauge from your license, we need an acknowledge of receipt for the transfer and the most recent leak tests before the transfer. If you would like to proceed with the removal of the TN Technologies, Inc. Model No. 5202 from your NRC Material License, please provide this documentation.**

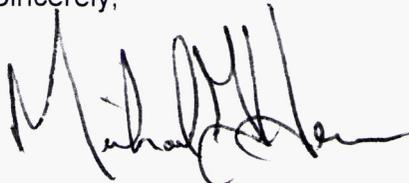
J. Spears

In accordance with 10 Code of Federal Regulations 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 NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

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.

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 black ink, appearing to read "Michael G. Herr". The signature is fluid and cursive, with a large initial "M" and "H".

Michael G. Herr, CHP  
Materials Licensing Branch

License No. 13-32272-01  
Docket No. 030-35481

Enclosure:

Amendment No. 04