



Eastern Associated Coal, LLC  
800 Laidley Tower  
P.O. Box 1233  
Charleston, WV 25304  
Fax (304) 340-1776  
Phone (304) 340-1761

April 28, 2011

br 3

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

03028938  
X

Dear Sir:

Please be advised that Eastern Associated Coal Corp. is hereby submitting the enclosed information for the renewal of NRC License 47-24809-01 for the Rocklick Preparation Plant and Wells Preparation Plant.

If there are any questions, please call me at (304) 247-8203.

Respectfully submitted,

*Erman Moore*

Erman Moore  
Manager Environmental

cc: M. Akers  
R. Hall  
S. Spencer  
Enclosures

RECEIVED  
REGION 1

2011 MAY -1 AM 9:38

575052

NMSS/RGN1 MATERIALS-002

NRC FORM 313

U.S. NUCLEAR REGULATORY COMMISSION

APPROVED BY OMB: NO. 3150-0120

EXPIRES: 3/31/2012

(3-2009)  
10 CFR 30, 32, 33,  
34, 35, 36, 39 and 40

## APPLICATION FOR MATERIALS LICENSE

Estimated burden per response to comply with this mandatory collection request: 4.3 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 [infocollects.resource@nrc.gov](mailto:infocollects.resource@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:

IF YOU ARE LOCATED IN:

OFFICE OF FEDERAL & STATE MATERIALS AND  
ENVIRONMENTAL MANAGEMENT PROGRAMS  
DIVISION OF MATERIALS SAFETY AND STATE AGREEMENTS  
U.S. NUCLEAR REGULATORY COMMISSION  
WASHINGTON, DC 20555-0001

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

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:

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:

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

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

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 47-24809-01

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

Eastern Associated Coal, LLC  
Environmental Department  
P.O. Box 1233  
Charleston WV 25324-1233

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

Eastern Associated Coal, LLC  
Rocklick, & Wells Preparation Plant  
Rt. 85, Bald Knob, WV and Wharton, WV

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

Erman Moore

TELEPHONE NUMBER

(304) 247-8203

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 70.31)

FEE CATEGORY 3P

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 20, 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, 62 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

SIGNATURE

DATE

Mark Akers - Director of Environmental Compliance



4/28/11

## FOR NRC USE ONLY

TYPE OF FEE FEE LOG FEE CATEGORY AMOUNT RECEIVED CHECK NUMBER COMMENTS

5

APPROVED BY

DATE

575052

## Suggested Format for Providing Information Requested in Items 5 Through 11 of NRC Form 313

**Table B.1 Items 5 & 6: Materials To Be Possessed and Proposed Uses**

Yes	No	Radioisotope	Manufacturer or Distributor Model No.	Quantity	Use As Listed on SSD Certificate	Specify Other Uses Not Listed on SSD Certificate
		Cobalt-60	Sealed source manufacturer or distributor and model number: _____ Device manufacturer or distributor and model number: _____	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input type="checkbox"/> Specific description of the gauge use: _____ _____ _____ _____ _____	<input type="checkbox"/> Not applicable <input type="checkbox"/> Uses are: _____ (Submit safety analysis supporting safe use)
		Krypton-85	Sealed source manufacturer or distributor and model number: _____ Device manufacturer or distributor and model number: _____	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input type="checkbox"/> Specific description of the gauge use: _____ _____ _____ _____ _____	<input type="checkbox"/> Not applicable <input type="checkbox"/> Uses are: _____ (Submit safety analysis supporting safe use)
		Strontium-90	Sealed source manufacturer or distributor and model number: _____ Device manufacturer or distributor and model number: _____	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input type="checkbox"/> Specific description of the gauge use: _____ _____ _____ _____ _____	<input type="checkbox"/> Not applicable <input type="checkbox"/> Uses are: _____ (Submit safety analysis supporting safe use)
		Cesium-137	Sealed source manufacturer or distributor and model number: <u>Amersham CDC</u> Device manufacturer or distributor and model number: <u>Canberra 3501</u>	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input type="checkbox"/> Specific description of the gauge use: _____ _____ _____ _____ _____	<input type="checkbox"/> Not applicable <input type="checkbox"/> Uses are: _____ (Submit safety analysis supporting safe use)

APPENDIX B

Yes	No	Radioisotope	Manufacturer or Distributor Model No.	Quantity	Use As Listed on SSD Certificate	Specify Other Uses Not Listed on SSD Certificate
		Americium-241	Sealed source manufacturer or distributor and model number: <u>AMC AMERSHAM 17</u> Device manufacturer or distributor and model number: <u>CAALSCAN 3.500</u>	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input type="checkbox"/> Specific description of the gauge use: _____ _____ _____ _____ _____	<input type="checkbox"/> Not applicable <input type="checkbox"/> Uses are: _____ (Submit safety analysis supporting safe use)
		Other Isotope (Specify):	Sealed source manufacturer or distributor and model number: _____ Device manufacturer or distributor and model number: _____	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes <input type="checkbox"/> Specific description of the gauge use: _____ _____ _____ _____ _____	<input type="checkbox"/> Not applicable <input type="checkbox"/> Uses are: _____ (Submit safety analysis supporting safe use)
<i>Financial Assurance Required and Evidence of Financial Assurance Provided</i>						

**Table B.2 Items 7 Through 11: Training and Experience, Facilities and Equipment, Radiation Safety Program, and Waste Disposal**

Item No. and Title	Suggested Response	Yes	Alternative Procedures Attached
<p>7. Individual(s) Responsible For Radiation Safety Program And Their Training And Experience</p> <p>7.1 Radiation Safety Officer</p> <p>Name: <u>ERMAN MUELE</u>  <u>&amp;/OR LEAD PLANT</u>  <u>FOREMAN &amp;/OR</u>  <u>CELIL SHARP</u></p>	<p>Before obtaining licensed materials, the proposed RSO will have successfully completed the training described in Criteria in the section entitled "Individual(s) Responsible for Radiation Safety Program and Their Training and Experience - Radiation Safety Officer" in NUREG-1556, Vol. 4, dated October 1998.</p> <p><b>AND</b></p> <p>Before being named as the RSO, future RSOs will have successfully completed the training described in Criteria in the section entitled "Individual(s) Responsible for Radiation Safety Program and Their Training and Experience - Radiation Safety Officer" in NUREG-1556, Vol. 4, dated October 1998. Within 30 days of naming a new RSO, we will submit the new RSO's name to NRC to include in our license.</p>	[x]	[ ]
<p>7. Individual(s) Responsible For Radiation Safety Program And Their Training And Experience</p> <p>7.2 Authorized Users</p>	<p>PROPOSED AUTHORIZED USERS:</p> <p>Before using licensed materials, authorized users will have successfully completed the training described in Criteria in the section entitled, "Authorized Users" in NUREG-1556, Vol. 4, dated October 1998.</p>	[x]	[ ]
<p>8. Training for Individuals Who in the Course of Employment are Likely to Receive Occupational Doses of Radiation in Excess of 1 mSv (100 mrem) in a Year (Occupationally Exposed Workers) and Ancillary Personnel</p>	<p>The applicant is <i>not</i> required to, and should not, submit a training program, for individuals who in the course of employment are likely to receive occupational doses of radiation in excess of 1 mSv (100 mrem) in a year (occupationally exposed workers) and ancillary personnel, to the NRC for review during the licensing phase.</p>	Need Not Be Submitted with Application	

# HUMBOLDT SCIENTIFIC, INC.

## RSO Certification

**HUMBOLDT**

***Erman Moore***

### **HAS SUCCESSFULLY COMPLETED A CERTIFIED RADIATION SAFETY OFFICER COURSE**

Subjects included were:

*RSO Duties and Responsibilities*

*Radiation Safety Practices*

*Regulatory Requirements*

*Dose/Shielding Requirements*

*Accidents/Storage*

*Regulatory Guidance (NUREG-1556, Vol. 1)*

*Transportation/HAZMAT Requirements*

*Risk*

*ALARA*

*Radiation Measurement*

*Operating and Emergency Procedures*

*Calibration and Maintenance*


*Record Keeping*

Date of Training: **April 16, 2010**

Location: **Charleston, WV**

Certificate Number: **8667**

HAZMAT Expiration Date: **April 16, 2013**

  
Instructor: Keith Earnshaw

Humboldt Scientific, Inc.

551-D Pylon Drive

Raleigh, NC 27606

# HUMBOLDT SCIENTIFIC, INC.

**HUMBOLDT**

## **Nuclear Gauge Training Certification**

***Erman Moore***

**HAS SUCCESSFULLY COMPLETED A CERTIFIED COURSE ON RADIATION  
SAFETY, TRANSPORT AND OPERATION OF INSTRUMENTS USING  
GAMMA AND NEUTRON RADIATION TO MEASURE THE  
PHYSICAL PROPERTIES OF CONSTRUCTION MATERIALS**

Subjects included were:

Types and basic unit of ionizing radiation.  
Calculations related to radiation safety.  
Biological effects of radiation.  
Methods of protection.  
Leak testing procedures.  
Procedures for safe transport (HAZMAT) and storage.  
Security Awareness  
Federal and State Regulations.

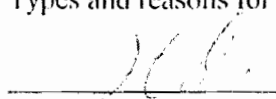
Accident prevention and procedures.  
Instrument theory and operation.  
Limitations of field maintenance.  
Instrument standardization and calibration.  
Test site selection and preparation.  
Field operation and calculations.  
Types and reasons for measurement errors.

Date of Training: **April 15, 2010**

Location: **Charleston, WV**

Certificate Number: **8664**

HAZMAT Expiration Date: **April 15, 2013**

  
Instructor: Keith Earnshaw  
Humboldt Scientific, Inc.  
551 -D Pylon Drive  
Raleigh, NC 27606

APPENDIX B

Item No. and Title	Suggested Response	Yes	Alternative Procedures Attached
9. Facilities and Equipment	We will ensure that the location of each fixed gauge meets the Criteria in the section entitled "Facilities and Equipment" in NUREG-1556, Vol. 4, dated October 1998.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Radiation Safety Program - Audit Program	The applicant is <i>not</i> required to, and should not, submit its audit program to the NRC for review during the licensing phase.	Need Not Be Submitted with Application	
10. Radiation Safety Program - Survey Instruments	<p>Surveys pursuant to 10 CFR 20.1501 will be performed by a person specifically authorized by the NRC or an Agreement State to perform these surveys.</p> <p style="text-align: center;"><b>OR</b></p> <p>We will use instruments that meet the Criteria in the section entitled "Radiation Safety Program - Instruments," in NUREG-1556, Vol. 4, dated August 1998, and <i>one</i> of the following:</p> <p style="padding-left: 40px;">Each survey meter will be calibrated by the manufacturer or other person authorized by the NRC or an Agreement State to perform survey meter calibrations.</p> <p style="text-align: center;"><b>OR</b></p> <p>We will implement the model survey instrument calibration program in Appendix I to NUREG-1556, Vol. 4, dated October 1998.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Radiation Safety Program - Material Receipt and Accountability	Physical inventories will be conducted at intervals not to exceed 6 months or at other intervals approved by the NRC, to account for all sealed sources and devices received and possessed under the license.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Radiation Safety Program - Occupational Dosimetry	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 10 CFR Part 20 or we will provide dosimetry that meets the Criteria in the section entitled "Radiation Safety Program - Occupational Dosimetry," in NUREG-1556, Vol. 4, dated October 1998.	<input type="checkbox"/>	<input type="checkbox"/>



Item No. and Title	Suggested Response	Yes	Alternative Procedures Attached
10. Radiation Safety Program - Public Dose	The applicant is not required to submit a response to the public dose section during the licensing phase. However, during NRC inspections, licensees must be able to provide documentation demonstrating, by measurement or calculation, that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed operation does not exceed the annual limit for individual members of the public.	Need Not Be Submitted with Application	
10. Radiation Safety Program - Operating & Emergency Procedures	<p>If the gauge meets one or more of the safety conditions specified in "Discussion," in the section entitled "Radiation Safety Program-Operating Emergency Procedures," in NUREG 1556, Vol. 4, dated August 1998 state the following:</p> <p>Operating and emergency procedures will be developed, implemented, maintained, and distributed, and will meet the Criteria in the section entitled "Radiation Safety Program - Operating and Emergency Procedures," in NUREG-1556, Vol. 4, dated August 1998.</p> <p>For each gauge requested that does not meet one or more of the safety conditions specified in "Discussion," in the section entitled "Radiation Safety Program-Operating Emergency Procedures," in NUREG 1556, Vol. 4, dated August 1998 provide your operating, emergency and lock-out (if applicable) procedures to NRC for review.</p>	<p>[ ]</p> <p>[ ] Procedures Attached</p>	<p>[ ]</p>
10. Radiation Safety Program - Leak Test	<p>Leak tests will be performed at intervals approved by the NRC or an Agreement State and specified in the Sealed Source and Device Registration Certificate. Leak tests will be 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.</p> <p style="text-align: center;"><b>OR</b></p> <p>We will implement the model leak test program published in Appendix M to NUREG-1556, Vol. 4, dated October 1998.</p>	<p>[x]</p> <p>[ ]</p>	<p>[ ]</p>

APPENDIX B

Item No. and Title	Suggested Response	Yes	Alternative Procedures Attached
10. Radiation Safety Program - Maintenance	<p><u>ROUTINE MAINTENANCE</u> We will implement and maintain procedures for routine maintenance of our fixed gauges according to each manufacturer's or distributor's written recommendations and instructions.</p> <p><u>NON-ROUTINE MAINTENANCE OPERATIONS</u> The gauge manufacturer, distributor or other person authorized by NRC or an Agreement State will perform non-routine operations such as installation, 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.</p>	<input checked="" type="checkbox"/>	<p><input type="checkbox"/></p> <p><input type="checkbox"/> The information listed in Appendix N supporting a request to perform non-routing operations in-house is attached</p>
10. Radiation Safety Program - Transportation	The applicant is <i>not</i> required to submit its response to transportation during the licensing process; this issue will be reviewed during inspection. However, the licensee should develop, implement, and maintain transportation procedures according to NRC and DOT regulations.	Need Not Be Submitted with Application	
10. Radiation Safety Program - Fixed Gauges Used at Temporary Job Sites	<p>This is not applicable to our program. We will not use fixed gauges at temporary job sites.</p> <p style="text-align: center;"><b>OR</b></p> <p>We will develop, implement, maintain and distribute procedures that meet the Criteria in the section entitled "Radiation Safety Program - Fixed Gauges Used at Temporary Job Sites" in NUREG-1556, Vol. 4, dated October 1998.</p>	<p><input checked="" type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
10. Radiation Safety Program - Minimization of Contamination	The applicant is not required to submit a response to minimization of contamination if the applicant's responses meet the criteria for the following sections: Radioactive Material - Sealed Sources and Devices, Facilities and Equipment, Radiation Safety Program - Operating and Emergency Procedures, Radiation Safety Program - Leak Testing, and Waste Management - Gauge Transfer and Disposal.	Need Not Be Submitted with Application	

APPENDIX B

Item No. and Title	Suggested Response	Yes	Alternative Procedures Attached
11. Waste Management - Gauge Disposal & Transfer	The applicant is not required to submit a response to waste management during the licensing process. However, the licensee should develop, implement, and maintain gauge transfer and disposal procedures in its radiation protection program.	Need Not Be Submitted with Application	

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

4/28/2011, and to inform you that the initial processing which includes an administrative review has been performed.

☒ Renewal 47-24808-01  
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

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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** 575052.  
When calling to inquire about this action, please refer to this control number.  
You may call us on (610) 337-5398, or 337-5260.