



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

April 7, 2014

Docket Nos.	03038720	License Nos.	34-35134-01
	03038721		34-35134-02
	03038722		34-35134-03
	03038453		47-31442-01
	03038027		47-31367-01
	03036636		37-30938-01
Control Nos.	583403		
	583404		
	583405		
	582836		
	582837		
	582838		

Jason R. Witt
Secretary
Murray Energy Corporation
McElroy, Shoemaker and Robin Run Mines
46266 National Road
St. Clairsville, OH 43950

SUBJECT: MURRAY ENERGY CORPORATION, CONSENT TO TRANSFER AND NEW LICENSES, CONTROL NOS. 583403, 583404, 583405, 582836, 582837, AND 582838

Dear Mr. Witt:

This refers to your letter dated December 27, 2013, and a subsequent letter dated January 23, 2014, informing NRC of your intent to acquire NRC License Nos. 47-31442-01, 47-31367-01, and 37-30938-01. From your letters I understand that the acquisition would not result in any change in the radiation safety procedures or authorized use of licensed material approved for these licenses. Based on the information provided in the above referenced letters, and my above understanding this office does not object to the acquisition. Please let me know immediately, in writing, if my understanding is different from yours.

On February 18, 2014, Mr. Eric Barto of your staff informed me via electronic mail that Murray Energy Corporation would like to keep the names of the licensed entities unchanged, and requested that all mail related to the licenses should be sent to your Corporate Office. Therefore we have not changed the names of the licensed entities. However, your Corporate Office is located in the State of Ohio, whereas the mailing addresses of the acquired licenses were in the States of West Virginia and Pennsylvania. This change of State in the new mailing address necessitated that License Nos. 47-31442-01, 47-31367-01, and 37-30938-01 be terminated and concurrently new licenses be issued to replace them as required by NRC policy. I explained this policy to Mr. Barto during my telephone conversation of February 18, 2014.

Enclosed with this letter are the new and corresponding terminated licenses. Please review the enclosed documents carefully and be sure that you understand all conditions incorporated into the licenses. If there are any errors or 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.

Please note that the NRC policy requires that all correspondence related to a license be signed by a member of the licensee's senior management and not by the Radiation Safety Office or a consultant. Your adherence to this requirement will assist us in processing your future correspondence in a timely manner. The NRC views the correspondence signed by a management representative as indication that management has reviewed and concurs with the contents of the correspondence.

The NRC is required to have your Taxpayer Identification Number in order to make payments (refunds). Please complete the enclosed NRC Form 531, "Request for Taxpayer Identification Number" and mail to the address at the bottom of the form (Note 5).

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.

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; Med, Ind, & Academic Uses**; then **Licensee Toolkits, see our toolkit index page**. 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 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

J. Witt

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Thank you for your cooperation.

Sincerely,

Original signed by Sattar Lodhi

Sattar Lodhi
Senior Health Physicist
Commercial, Industrial, R&D and Academic
Branch
Division of Nuclear Materials Safety

Enclosures:

1. NRC Form 531
2. New License Nos. 34-35134-01, 34-35134-02, and 34-35134-03
3. Terminated License Nos. 47-31442-01, 47-31367-01, and 37-30938-01

cc:

Jason Weese, Radiation Safety Officer
Brent Hutcheson, Radiation Safety Officer
Leonard Roman, Radiation Safety Officer
Eric Barto, Environmental Coordinator

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