

Wilson, Scott

From: Wilson, Scott
Sent: Monday, February 13, 2017 2:35 PM
To: 'zachary.wright@southerncoalcorp.com'
Cc: 'derrick.oneal@southerncoalcorp.com'
Subject: Request for Additional Information; Black Bear Processing, LLC; Mail Control No. 592889; License No. 47-31252-01; Docket No. 03037485

Zachary D Wright, Director of Engineering/Chief Compliance Officer
and Attorney in Fact
National Resources, Inc.
PO Box 1085, Beckley, WV 25801
216 Lake Drive, Daniels, WV 25832

License No.: 47-31252-01
Docket No: 03037485
Control No: 592889

Mr. Wright:

Please respond with a brief e-mail acknowledging your receipt of this request.

This refers to your January 24, 2017, application requesting to amend the NRC license of Black Bear Processing, LLC, of Princeton, West Virginia, License No. 47-31252-01. From the application you provided, and the cover letter signed by Derrick O'Neal, a Project Engineer of your organization, it appears that a transfer of control may have occurred.

In accordance with 10 CFR 30.34(b)(1), no license issued or granted pursuant to the regulations in this part shall be transferred, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing. Section 5 of NRC's guidance document "[Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses](#)" [NUREG-1556, Volume 15, Revision 1, \(NUREG-1556, Vol. 15\)](#) provides guidance on such applications. **Please review the applicable parts of Section 5, NUREG-1556, Volume 15, and provide a response addressing the questions below. You will need to respond via letter, signed by both the transferor and the transferee.**

In order to continue our review of your request, the following additional information is needed:

1. State whether or not you, as the new owner and license applicant, have a current State or Federal government license, registration or authorization for other operations within the scope of the proposed licensed activities. For example, state if Natural Resources, Inc. has a current radioactive materials license either with the NRC or any Agreement State and include the license number. If not, provide evidence of any registration, business license, professional engineering license, etc. so that we may establish that you are a known entity and that the materials will be used as described in the license. If you were listed on an NRC or other license as an authorized user or radiation safety officer, please provide that information.

2. Provide the date the transfer of control occurred.
3. Describe any planned changes in the organization, including but not limited to, transfer of stocks or assets and mergers, change in members on Board of Directors, etc. It is most important that NRC make a determination regarding the “control” of the program and materials. This can only be done if we have a full description of the transfer that occurred.
4. Provide a description of the organization pre-transfer and post-transfer. Pre and Post organizational charts are most helpful in describing the organization and the changes that occurred as a result of the transfer.
5. Provide the new licensee name, mailing address, and contact information, including phone numbers, email addresses, and fax numbers.
6. Describe any changes in personnel or duties that relate to the licensed program. Include training and experience for new personnel and any changes in the training program.
7. Describe any changes in the location, facilities, equipment, radiation safety program, use, possession, waste management, or other procedures that relate to the licensed program.
8. Describe the status of the licensee’s facilities, equipment, and radiation safety program, including any known contamination and whether decontamination will occur prior to transfer. Include the status of calibrations, leak tests, area surveys, wipe tests, training, quality control, and related records.
9. Confirm that all records concerning the safe and effective decommissioning of the facility will be transferred to the transferee or to NRC, as appropriate. These records include documentation of surveys of ambient radiation levels and fixed and/or removable contamination, including methods and sensitivity.
10. Confirm that both transferor and transferee agree to transferring control of the licensed material and activity, and the conditions of transfer, and that the transferee has been made aware of any open inspection items and its responsibility for possible resulting enforcement actions.
11. Confirm that the transferee will abide by all constraints, conditions, requirements, representations, and commitments of the transferor or that the transferee will submit a complete description of the proposed licensed program.

Your request for an amendment due to a transfer of control of the license must be placed in a public notice for members of the public to comment or request a hearing on the matter. Therefore, please ensure you provide a response that you have no objection to being made public. In accordance with 10 CFR 2.390 of the NRC’s “Rules of Practice,” a copy of this letter (e-mail) will be available electronically for public inspection in the NRC Public Document Room or from the NRC’s document system (ADAMS). ADAMS is accessible from the NRC Web Site at: <http://www.nrc.gov/reading-rm/adams.html>. Please be aware that you may request that certain portions of your submittal to NRC be withheld from public disclosure as proprietary information. To do this, you must execute an affidavit as specified in 10 CFR 2.390. You must list all portions that you wish to be held proprietary, along with your reasoning as to why that is appropriate. While it is allowable, please refrain from submitting proprietary information in support of a license unless necessary. Keep in mind that all NRC licenses are considered to be in the public domain, and therefore may be viewed by any member of the public who requests to see them.

Your reply must be an originally signed and dated letter. The letter may be scanned and submitted as a pdf document attached to an e-mail; or it may be transmitted by facsimile to (610) 337-5269; or it may be sent by regular mail. If we do not receive a reply from you within 30 calendar days from the date of this e-mail, we will assume that you do not wish to pursue your amendment request.

If you have any questions, my contact information is below.

Thank you for your cooperation.

Scott Wilson
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