



**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 FOIA, Privacy, and Information Collections Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to infocollections.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 CURRENT VOLUMES OF THE NUREG-1556 TECHNICAL REPORT SERIES ("CONSOLIDATED GUIDANCE ABOUT MATERIALS LICENSES") FOR DETAILED INSTRUCTIONS FOR COMPLETING THIS FORM: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/>. SEND TWO COPIES OF THE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.

APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:

MATERIALS SAFETY LICENSING BRANCH
DIVISION OF MATERIAL SAFETY, STATE, TRIBAL AND RULEMAKING PROGRAMS
OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001

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:

LICENSING ASSISTANCE TEAM
DIVISION OF NUCLEAR MATERIALS SAFETY
U.S. NUCLEAR REGULATORY COMMISSION, REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

47-35455-01

IF YOU ARE LOCATED IN:

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

Br. 2

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:

NUCLEAR MATERIALS LICENSING BRANCH
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV
1600 E. LAMAR BOULEVARD
ARLINGTON, TX 76011-4511

03039078

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 _____

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

Bandmill Coal, LLC
P.O. Box 1098
Holden, WV 25625

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

Location 1 - Bandmill Coal, LLC, Bandmill-Zigmond Plant,
1924 Rum Creek Rd., Yolyn, WV 25654
Location 2 - Highland Tunnel Mine, Glory Hole, 2333 Rum
Creek Rd., Stollings, WV 25646

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

William G. Newsome

BUSINESS TELEPHONE NUMBER

3043698623

BUSINESS CELLULAR TELEPHONE NUMBER

6068311598

BUSINESS EMAIL ADDRESS

wnewsome@alphar.com

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 AND 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 (Fees required only for new applications, with few exceptions*)
(See 10 CFR 170 and Section 170.31)
*Amendments/Renewals that increase the scope of the existing license to a new or higher fee category will require a fee.

FEE CATEGORY

3P

AMOUNT ENCLOSED

\$ 3300⁰⁰

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 30, 32, 33, 34, 35, 36, 37, 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

James M. Doczi Jr., President
Bandmill Coal, LLC

SIGNATURE

James M. Doczi Jr.

DATE

10-18-17

FOR NRC USE ONLY

TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
			\$		
APPROVED BY:				DATE:	

REC-1107-17 HM0701 - with check payment -

601604



Alpha Natural Resources

October 18, 2017

Licensing Assistance Team
Division of Nuclear Materials Safety
U.S. Nuclear Regulatory Commission, Region I
2100 Renaissance Boulevard, Suite 100
King of Prussia, PA 19406-2713

RE: *Bandmill Coal, LLC*
Specific License Request

To Whom It May Concern:

Enclosed please find the NRC Form 313 **Application for New License in Entirety**. We would like to request a new specific license for our Bandmill Coal, LLC, 1914 Rum Creek Road, Yolyn, WV 25654. All correspondence for this license when approved should be directed to:

Bandmill Coal, LLC, P.O. Box 1098, Holden WV 25625

Phone: 304-239-2300

Bandmill Coal, LLC would like the appointment of Scott J. Burdette as the Radiation Safety Officer for this license. We delegate the authority to Scott J. Burdette to act on behalf of Bandmill Coal, LLC in matters concerning this license. We would like to submit the following two (2) locations where licensed material will be used or possessed:

- Location #1: Bandmill Coal, LLC, Bandmill-Zigmond Processing Plant, 1914 Rum Creek Road, Yolyn, WV 25654
- Location #2: Highland Tunnel Mine, Glory Hole, 2333 Rum Creek Road, Stollings, WV 25646

The two (2) locations requested are currently listed on other current licenses with the Nuclear Regulatory Commission (NRC). The following information is included to provide clarification of the current title holders, ownership and future use of the listed material at these locations.

Location #1 is currently listed on GL-700079 titled Bandmill Coal Corp., Zigmond Processing Plant, Holden, WV 25625. In our request for a new Specific License there will be no change in the location or use of the devices listed on GL-700079. Upon approval of this application the inventory of GL-700079 will be assigned to the new Specific License, therefore disposition and termination of the General License will be completed with the NRC as required.

ALPHA NATURAL RESOURCES SERVICES, LLC

300 Running Right Way
Julian, WV 25529

(304) 369-8500
www.alphanr.com

REC 931103117 AM 07/05

Location #2 listed above is currently listed on Specific License 47-30927-01 Highland Mining Company, P.O. Box 1098 Holden, WV 25625 (Line item 10, location #3) listed as Highland Tunnel Mine, County Rte. 17, Freeze Fork Rd., Ethel WV. Highland Mining Company SL 47-30927-01 will be changed to Lexington Coal Company as part of a **Change of Control Request**. There will be no change in the location, application or use of the licensed material at this location.

Bandmill Coal, LLC does not accept the remaining two (2) locations listed on line item 10 of SL 47-30927-01 listed as (#1) Superior Surface Mine, State Rte. 44, Omar WV and (#2) Feats/Holden Load-out, 40 Load-out Rd., Holden WV.

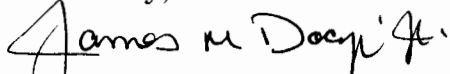
Also included in this application is a copy of the previous **Specific License #47-25175-01** for this location referenced as location #1 in this application. This information is provided assuming the previous license will be assigned for to complete our request for a new license.

Included with this request are the following supporting attachments:

- Attachment 1 – Form 313
- Attachment 2 – Form 313 Table B.1 (Lines 5-6)
- Attachment 3 – Form 313 Table B.2 (Lines 7-11)
- Attachment 4 – Inventory & Use Spreadsheet
- Attachment 5 – RSO Certification
- Attachment 6 – Specific License #47-25175

Please contact William G. Newsome with any questions or requests for further information or documents to complete this request. He can be reached at (304) 369-8623 and by email at wnewsome@alphanr.com.

Sincerely,



James M. Doczi Jr., President
Bandmill Coal, LLC

**SUGGESTED FORMAT FOR PROVIDING INFORMATION REQUESTED IN
ITEMS 5 THROUGH 11 OF
U.S. NUCLEAR REGULATORY COMMISSION FORM 313**

Items 5 and 6: Materials To Be Possessed and Proposed Uses

Yes	No	Radionuclide	Manufacturer or Distributor Model No.	Quantity	Use as Listed on SSD Registration Certificate	Specify Other Uses Not Listed on SSD Registration Certificate
X		Isotope (Specify): CS-137	Device manufacturer (or distributor) and model number: Berthold Tech. LB7440	Specify activity per source and number of gauges requested.	Yes <input type="checkbox"/> Specific description of the gauge use: See Attachment	<input type="checkbox"/> Not applicable <input type="checkbox"/> Uses are: (Submit safety analysis supporting safe use)
X		Isotope (Specify): CS-137	Device manufacturer (or distributor) and model number: Ronan Engineering SAI-C5	Specify activity per source and number of gauges requested.	Yes <input type="checkbox"/> Specific description of the gauge use: See Attachment	<input type="checkbox"/> Not applicable <input type="checkbox"/> Uses are: (Submit safety analysis supporting safe use)
		Isotope (Specify):	Device manufacturer (or distributor) and model number:	Specify activity per source and number of gauges requested.	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)
Is financial assurance required? If yes, submit evidence of financial assurance.						

NOTE: Copy and attach additional pages as needed.

**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
7. Individual(s) Responsible For Radiation Safety Program and Their Training and Experience 7.1 Radiation safety officer <i>Scott J.</i> Name: <i>Burdette</i>	Documentation demonstrating the proposed radiation safety officer's training and experience (e.g., certificate of completion of the RSO's course and/or the authorized user's course).	Submit applicable documentation. <i>See Attachment</i>	
7. Individual(s) Responsible For Radiation Safety Program and Their Training and Experience 7.2 Authorized users	Before using licensed materials, authorized users will have successfully completed one of the training courses described in the "Criteria" part of the section titled, "Authorized Users" in NUREG-1556, Volume 4, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses."	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Training for Individuals Working In or Frequenting Restricted Areas	The applicant is <i>not</i> required to and should not submit its 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.	Need not be submitted with application.	

Item No. and Title	Suggested Response	Yes	Alternative Procedures Attached
9. Facilities and Equipment	<p>We will ensure that the location of each fixed gauge meets the criteria in Section 8.9, "Facilities and Equipment," in NUREG-1556, Volume 4, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses."</p> <p style="text-align: center;">OR</p> <p>Provide confirmation that the fixed gauge is secured to prevent unauthorized removal or access, and submit specific information demonstrating that the proposed conditions will not impact the safety or integrity of the source or device. Address any instances in which the proposed conditions exceed any conditions listed in the SSD registration certificate.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10.1 Radiation Safety Program – Audit Program	<p>The applicant should not submit its audit program to the NRC for review during the licensing phase. The audit program will be reviewed during NRC inspections.</p>	Need not be submitted with application.	
10.2 Radiation Safety Program – Radiation Monitoring Instruments	<p>Surveys according 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;">OR</p> <p>We will use instruments that meet the criteria in Section 8.10.2, "Radiation Monitoring Instruments," in NUREG-1556, Volume 4, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses" and <i>one</i> of the following two choices:</p> <p style="padding-left: 40px;">Each radiation survey meter will be calibrated by the manufacturer or other person authorized by the NRC or an Agreement State to perform radiation survey meter calibrations.</p> <p style="text-align: center;">OR</p> <p>We will implement the model radiation survey instrument calibration program in Appendix F, "Model Radiation Survey Instrument Calibration Program," in NUREG-1556, Volume 4, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses."</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p>	<input type="checkbox"/>

Item No. and Title	Suggested Response	Yes	Alternative Procedures Attached
10.3 Radiation Safety Program – Material Receipt and Accountability	<p>Physical inventories will be conducted every 6 months or at other intervals approved by the NRC to account for all sealed sources and devices received and possessed under the license.</p> <p style="text-align: center;">AND</p> <p>We will develop, implement, and maintain procedures for ensuring accountability of licensed materials at all times.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10.4 Radiation Safety Program – Occupational Dose	<p>We will maintain, for inspection by the NRC, documentation demonstrating that unmonitored individuals are not likely to receive a radiation dose in excess of the limits in 10 CFR 20.1502(a).</p> <p style="text-align: center;">OR</p> <p>We will provide and require the use of individual monitoring devices (dosimetry). All personnel dosimeters that require processing to determine the radiation dose will be processed and evaluated by a NVLAP-approved processor.</p>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
10.5 Radiation Safety Program – Public Dose	The applicant is <i>not</i> required to submit a response to the public dose section in a license application. This matter will be examined during NRC inspections.	Need not be submitted with application.	
10.6 Radiation Safety Program – Operating, Emergency, and Security Procedures	<p>If the gauge meets one or more of the safety conditions specified in the “Discussion” part of Section 8.10.6, “Operating, Emergency, and Security Procedures,” in NUREG-1556, Volume 4, Revision 1, “Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses,” state the following: Operating, emergency, and security procedures will be developed, implemented, maintained, and distributed and will meet the criteria in Section 8.10.6, “Operating, Emergency, and Security Procedures,” in NUREG-1556, Volume 4, Revision 1.</p> <p style="text-align: center;">OR</p> <p>If each gauge requested does not meet any of the safety conditions specified in the “Discussion” part of Section 8.10.6, “Operating, Emergency, and Security Procedures,” in NUREG-1556, Volume 4, Revision 1, provide your operating, emergency, security, and lock-out (if applicable) procedures.</p>	<input checked="" type="checkbox"/> <input type="checkbox"/> Procedures Attached	<input type="checkbox"/>

Item No. and Title	Suggested Response	Yes	Alternative Procedures Attached
10.7 Radiation Safety Program – Leak Tests	<p>Leak tests will be performed at intervals approved by the NRC or an Agreement State and specified in the SSD registration certificate. Leak tests will be performed by an organization licensed by the NRC or an Agreement State to provide leak testing services to other licensees; or using a leak test sample collection kit supplied by an organization licensed by the NRC or an Agreement State to provide leak test kits and/or sample analysis services to other licensees and according to the kit supplier's instructions. Records of leak test results will be maintained.</p> <p style="text-align: center;">OR</p> <p>We will implement the model leak test program in Appendix I of NUREG-1556, Volume 4, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses." Records of leak tests will be maintained.</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p>	<p><input type="checkbox"/> For this item, checking this box indicates that alternative equipment and/or procedures will be provided as part of the application and that records of leak tests will be maintained.</p>
10.8 Radiation Safety Program – Maintenance	<p><u>ROUTINE MAINTENANCE</u> We will implement and maintain procedures for routine maintenance of our gauges according to each manufacturer's or distributor's written recommendations and instructions.</p> <p><u>NONROUTINE MAINTENANCE OPERATIONS</u> The gauge manufacturer, distributor, or other person authorized by the NRC or an Agreement State will perform nonroutine operations such as installation, initial radiation survey, repair and maintenance of radiological safety components, relocation, replacement, alignment, removal from service, and disposal of sealed sources.</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p> <p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/> The information listed in Appendix J of this NUREG, "Information Needed to Support Applicant's Request to Perform Nonroutine Operations," is attached.</p>
10.9 Radiation Safety Program – Transportation	<p>The applicant is <i>not</i> required to submit a response about transportation during the licensing process. The NRC will review this issue during inspection.</p>	<p>Need not be submitted with application.</p>	

Item No. and Title	Suggested Response	Yes	Alternative Procedures Attached
10.10 Radiation Safety Program – Fixed Gauges Used at Temporary Job Sites	<p>We will not use fixed gauges at temporary jobsites.</p> <p style="text-align: center;">OR</p> <p>We will address the use of fixed gauges at temporary jobsites in our operating, emergency, and security procedures developed in accordance with the Criteria in Section 8.10.6, "Operating, Emergency, and Security Procedures," of NUREG-1556, Volume 4, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses." Copies of these procedures will be provided to all gauge users and will be available at all temporary jobsites.</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p>
10.11 Radiation Safety Program – Security Program for Category 1 and Category 2 Radioactive Material	The applicant is <i>not</i> required to submit a response to the security program section in a license application. This matter will be examined during NRC inspections.	Need not be submitted with application.	
11. Waste Management – Gauge Disposal & Transfer	The applicant is <i>not</i> required to submit a response about waste management during the licensing process; however, the licensee should establish and include gauge transfer and waste disposal procedures in its radiation protection program.	Need not be submitted with application.	

Certificate of Completion

Radiation Safety Officer Training

Alpha Natural Resources

June 4th-6th, 2013

Julian, WV

This is to certify that

Scott J. Burdette

has been successfully trained and tested on the following topics:

Regulatory Aspects and regulations; Radiation Physics and Terminology; Gauging Principles/SSDR; Radiation Protection; Dosimetry, Doses and Dose Limits; Biology; Radiation Measurements; Radiation Safety Programs-Operating and Emergency Procedures; Lock-out/Tag-out; Leak testing; Specific Use of Gauges and routine versus nonroutine maintenance



Phil Harb



ENGELHARDT & ASSOCIATES, INC.,

Joshua Walkowicz, CHP

MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

<p style="text-align: center;">Licensee</p> <p>1. Bandmill Coal Corporation</p> <p>2. P.O. Box 847 Stollings, West Virginia 25646</p>	<p>In accordance with the application dated October 5, 2001</p> <p>3. License No. 47-25175-01</p> <p>is renewed in its entirety to read as follows:</p> <p>4. Expiration Date: April 30, 2012</p> <p>5. Docket No. 030-32551</p>
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<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Cesium 137</p> <p>B. Americium 241</p> <p>C. Californium 252</p>	<p>7. Chemical and/or physical form</p> <p>A. Any sealed source registered pursuant to 10 CFR 32.210 or an Agreement State regulation</p> <p>B. Any sealed neutron source registered pursuant to 10 CFR 32.210 or an Agreement State regulation</p> <p>C. Any sealed source registered pursuant to 10 CFR 32.210 or an Agreement State regulation</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. No single source to exceed that listed in SS&D Registration pursuant to 10 CFR 32.210</p> <p>B. No single source to exceed that listed in SS&D Registration pursuant to 10 CFR 32.210</p> <p>C. No single source to exceed that listed in SS&D Registration pursuant to 10 CFR 32.210</p>
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9. Authorized Use:

A.- C. Sealed source(s) contained in Scan Technologies Model 9000 or compatible non-portable gauging devices (registered pursuant 10 CFR 32.210 or an Agreement State regulation) for measuring properties of materials and/or controlling industrial processes.

CONDITIONS

- 10. Licensed material shall be used only at the licensee's facilities located at Rum Creek Preparation Plant, State Route 14, Hutchinson, (Logan County), West Virginia.
- 11. The Radiation Safety Officer for this license is Keith Pinson, and in his absence Eric Salyer.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**License No.
47-25175-01Docket No.
030-32551Amendment No.
6

12. Licensed material shall be used by, or under the supervision of, Keith Pinson, Eric Salyer, or Tom Hatfield.
13. A. Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed 6 months or at such other intervals as specified by the certificate of registration referred to in 10 CFR 32.210.
- B. In the absence of a certificate from a transferor indicating that a leak test has been made within 6 months prior to the transfer, a sealed source received from another person shall not be put into use until tested.
- C. Sealed sources need not be leak tested if they contain only a radioactive gas; or not more than 3.7 megabecquerels (MBq) (100 microcuries) of beta and/or gamma emitting material or, are in storage, and are not being used. However, when they are removed from storage for use or transferred to another person, and have not been tested within the required leak test interval, they shall be tested before use or transfer. No sealed source or detector cell shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.
- D. The leak test shall be capable of detecting the presence of 185 becquerels (0.005 microcurie) of radioactive material on the test sample. If the test reveals the presence of 185 Bq or more of removable contamination, a report shall be filed with the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 30.50(b)(2), and the source shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations. The report shall specify the source involved, the test results, and corrective action taken.
- E. Tests for leakage and/or contamination, limited to leak test sample collection, shall be performed by the licensee or by other persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services. The licensee is not authorized to perform the analysis; analysis of leak test samples must be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.
14. Installation, initial radiation survey, relocation, or removal from service of devices containing sealed sources shall be performed by Scan Technologies, Inc. or by persons specifically licensed by the Commission or an Agreement State to perform such services. Maintenance and repair of devices and installation, replacement, and disposal of sealed sources shall be performed only by persons specifically licensed by the Commission or an Agreement State to perform such services.
15. Sealed sources containing licensed material shall not be opened or removed from their respective source holders by the licensee.
16. A. Each gauge shall be tested for the proper operation of the on-off mechanism (shutter) and indicator, if any, at intervals not to exceed six months or at such longer intervals as specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.210 or the equivalent regulations of an Agreement State.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License No.
47-25175-01

Docket No.
030-32551

Amendment No.
6

16. B. Notwithstanding the periodic on-off mechanism (shutter) and indicator test, the requirement does not apply to gauges that are stored, not being used, and have the shutter lock mechanism in a locked position. The gauges exempted from this periodic test shall be tested before use.
17. The licensee shall operate each gauge within the manufacturer's specified temperature and/or environmental limits such that the shielding and shutter mechanism of the source holder are not compromised.
18. The licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.
19. The following services shall **not** be performed by the licensee: installation, initial radiation surveys, relocation, removal from service, dismantling, alignment, replacement, disposal of the sealed source and non-routine maintenance or repair of components related to the radiological safety of the gauge (i.e., the sealed source, the source holder, source drive mechanism, on-off mechanism (shutter), shutter control, shielding). These services shall be performed only by persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.
20. A. The licensee may maintain, repair, or replace device components that are **not** related to the radiological safety of the device and that do not result in the potential for any portion of the body to come into contact with the primary beam or in increased radiation levels in accessible areas.
- B. The licensee may **not** maintain, repair, or replace any of the following device components: the sealed source, the source holder, source drive mechanism, on-off mechanism (shutter), shutter control, or shielding, or any other component related to the radiological safety of the device, except as provided otherwise by specific conditions of this license.
21. The licensee may initially mount a gauge if permitted by the certificate of registration issued by the U.S. Nuclear Regulatory Commission or an Agreement State, and under the following conditions:
- A. The gauge must be mounted in accordance with written instructions provided by the manufacturer;
- B. The gauge must be mounted in a location compatible with the "Conditions of Normal Use" and "Limitations and/or Other Considerations of Use" in the certificate of registration issued by the U.S. Nuclear Regulatory Commission or an Agreement State;
- C. The on-off mechanism (shutter) must be locked in the off position, if applicable, or the source must be otherwise fully shielded;
- D. The gauge must be received in good condition (i.e., package was not damaged).
- E. The gauge must not require any modification to fit in the proposed location.

**MATERIALS LICENSE
SUPPLEMENTARY SHEET**

License No.
47-25175-01

Docket No.
030-32551

Amendment No.
6

- 22. The licensee shall assure that the shutter mechanism is locked in the closed position during periods when a portion of an individual's body may be subject to the direct radiation beam. The licensee shall review and modify as appropriate its "lock-out" procedures whenever a new gauge is obtained to incorporate the device manufacturer's recommendations.
- 23. In addition to the possession limits in item 8, the licensee shall further restrict the possession of licensed material to quantities below the minimum limit specified in 10 CFR 30.35(d) for establishing decommissioning financial assurance.
- 24. Prior to initial use and after installation, relocation, dismantling, alignment, or any other activity involving the source or removal of the shielding, the licensee shall assure that a radiological survey is performed to determine radiation levels in accessible areas around, above, and below the gauge with the shutter open. This survey shall be performed only by persons authorized to perform such services by the U.S. Nuclear Regulatory Commission or an Agreement State.
- 25. Except for maintaining labeling as required by 10 CFR Part 20, or 71, the licensee shall obtain authorization from the U.S. Nuclear Regulatory Commission before making any changes in the sealed source, device, or source-device combination that would alter the description or specifications as indicated in the respective certificate of registration issued either by the Commission pursuant to 10 CFR 32.210 or by an Agreement State.
- 26. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents including any enclosures, listed below. The Nuclear Regulatory Commission's regulations shall govern unless the statements, representations and procedures in the licensee's application and correspondence are more restrictive than the regulations.
 - A. Application dated October 5, 2001 [completed application]

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

APR 11 2002

DATE _____

BY _____

David J. Collins

David J. Collins
Region II, Division of Nuclear Materials Safety
61 Forsyth Street, SW, Suite 23T85
Atlanta, GA 30303-8931



ACKNOWLEDGEMENT - RECEIPT OF CORRESPONDENCE

Name and Address of Applicant and/or Licensee Bandmill Coal, LLC Attn: James M. Doczi Jr. President P.O. Box 1098 Holden, WV 25625	Date 11/14/2017
	License Number(s) New License Docket # 03039078
	Mail Control Number(s) 601604
	Licensing and/or Technical Reviewer or Branch Comm, Industrial, R&D, and Academic Branch

This is to acknowledge receipt of your: Letter and/or Application Dated: 10/18/2017

The initial processing, which included an administrative review, has been performed.
 Amendment Termination New License Renewal

There were no administrative omissions identified during our initial review.

This is to acknowledge receipt of your application for renewal of the material(s) license identified above. Your application is deemed timely filed, and accordingly, the license will not expire until final action has been taken by this office.

Your application for a new NRC license did not include your taxpayer identification number. Please complete and submit NRC Form 531, Request for Taxpayer Identification Number, located at the following link: <http://www.nrc.gov/reading-rm/doc-collections/forms/nrc531.pdf>
 Follow the instructions on the form for submission.

The following administrative omissions have been identified:

Your application has been assigned the above listed MAIL CONTROL NUMBER. When calling to inquire about this action, please refer to this control number. Your application has been forwarded to a technical reviewer. Please note that the technical review, which is normally completed within 180 days for a renewal application (90 days for all other requests), may identify additional omissions or require additional information. If you have any questions concerning the processing of your application, our contact information is listed below:

Region I
U. S. Nuclear Regulatory Commission
Division of Nuclear Materials Safety
2100 Renaissance Boulevard, Suite 100
King of Prussia, PA 19406-2713
(610) 337-5260, (610) 337-5313,
(610) 337-5398, or (610) 337-5239