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**HIGHLAND MINING COMPANY, INC.**  
P.O. Box 1098  
Holden, WV 25625

November 30, 2017

U.S. Nuclear Regulatory Commission – Region I  
Attn: Licensing Assistance Team  
2100 Renaissance Boulevard  
King of Prussia, PA 19406

RE: Request for Written Consent to Transfer of Control of License, Material License No. 47-30927-01 *03036608*

To whom it may concern:

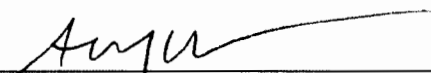
In accordance with 10 C.F.R. §§ 30.34 and 70.36, Highland Mining Company, Inc. (“Highland”) and Lexington Coal Company, LLC (“Lexington Coal”) hereby jointly request the consent of the Nuclear Regulatory Commission (“NRC”) to the transfer of control of Material License No. 47-30927-01 from the Highland to Lexington Coal in conjunction with the purchase and sale of certain assets from Highland to Lexington Coal. Except for the change in ownership, there will be no changes to the use or location of the devises. Lexington Coal will abide by all constraints, conditions, requirements, representations, and commitments of the current owner.

Enclosed with this letter is the Information Needed for Transfer of Control Application.

If you have any questions or concerns, please contact our counsel, Christina T. Brumley, at (304) 340-1177, or Highland’s representative, Mr. William Newsome, at 304-369-8623.

HIGHLAND MINING COMPANY, INC.

LEXINGTON COAL COMPANY, LLC

  
\_\_\_\_\_  
By: Andrew B. McCallister  
Its: Vice President

  
\_\_\_\_\_  
By: Steven Poe  
Its: President/CEO

REC'D IN *WV* 12/08/2017

*601954*  
NMSS/RGN1 MATERIALS-002

**HIGHLAND MINING COMPANY, INC., LICENSE NO. 47-30927-01**  
**INFORMATION NEEDED FOR TRANSFER OF CONTROL APPLICATION**

**NRC Region:** Region I  
**Telephone:** (304) 304-1177

**Contact:** Christina Brumley  
**Fax:** (304) 304-1080

1. 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. Provide the new licensee name, mailing address, and contact information, including phone numbers. Clearly identify when the amendment request is due to a name change only. **Pursuant to an asset purchase agreement, Alpha Natural Resources, Inc. ("ANR, Inc."), and certain of its subsidiaries, including the licensee hereunder, are selling certain assets to Lexington Coal Company, LLC ("Lexington Coal"). Pursuant to the asset purchase agreement, licensee is to transfer the subject license to Lexington Coal.**

**The name of the new licensee is: Lexington Coal Company, LLC.**

**The mailing address and contact information for the new licensee is:**  
**Steve Endicott**  
**P.O. Box 299**  
**Sidney, KY 41564**  
**steve.endicott@lexingtoncoal.us**

2. 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. **No change to personnel, other than the new Radiation Safety Officer (the "RSO") is James L. Fitzpatrick. Attached is his Certificate of Completion for training.**
3. Describe any changes in the location, facilities, equipment, radiation safety program, use, possession, waste management, or other procedures that relate to the licensed program. **No change.**
4. 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. **All required surveillance has been performed, documented and reviewed.**
5. If current decommissioning funding plans (DFP) will be changed as a result of the transfer, the revised DFP should be submitted. If other financial assurance documents will be changed as a result of the transfer, confirm that all financial assurance instruments associated with the license will be held in the transferee's name before the license is transferred, and as required by 10 CFR 30.35(f), the licensee must, within 30 days, submit financial instruments reflecting such changes. **Not applicable.**
6. 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. **Not applicable.**

7. 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. **Highland and Lexington Coal hereby confirm they agree to transferring control of the licensed material and activity and the conditions of transfer. Lexington Coal has been made aware of all open inspection items and its responsibility for possible resulting enforcement actions.**
8. 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. **Lexington Coal hereby agrees to abide by all constraints, conditions, requirements, representations, and commitments identified in the existing license.**
9. The transferee, in the case of fuel cycle facilities, shall provide documentation showing that it is financially qualified to conduct normal operations. The information can be in the form of income statements and balance sheet forecasts. **Not applicable.**

# *Certificate of Completion*

*40 Hour Radiation Safety Training  
Nonroutine Maintenance for Gauge Users*

*August 24-27<sup>th</sup>, 2009*

*Sylvester, WV*

*This is to certify that*

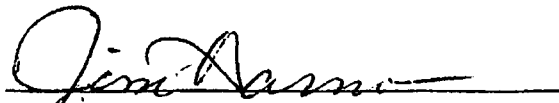
***James Fitzpatrick***

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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



  
Jim Harmon



ENGELHARDT & ASSOCIATES, INC.

  
Joshua Walkowicz, CHP



**ACKNOWLEDGEMENT - RECEIPT OF CORRESPONDENCE**

<b>Name and Address of Applicant and/or Licensee</b>  William G. Newsome Process Controls Manager Radiation Safety Officer Highland Mining Company P.O. Box 1098 Holden, West Virginia 25625	<b>Date</b> December 15, 2017
	<b>License Number(s)</b> 47-30927-01
	<b>Mail Control Number(s)</b> 601954
	<b>Licensing and/or Technical Reviewer or Branch</b> Randy Ragland

This is to acknowledge receipt of your:  Letter and/or  Application Dated: 11/30/2017

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:  
 [Empty box for listing omissions]

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:

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