



46226 National Road
St. Clairsville, Ohio 43950

PHONE: (740) 338-3100
FAX: (740) 338-3409

March 15, 2019

Via Certified Mail

L2
03038721

Licensing Assistance Team
Division of Nuclear Materials Safety
U.S. Nuclear Regulatory Commission, Region 1
475 Allendale Road
King of Prussia, Pennsylvania 19406-1415

REC RG 1 0319 19 0654

Re: *Materials License 34-35134.02, Consolidation Coal Company*

Dear Sir or Madam:

Regarding the above-captioned license, please see enclosed NRC Form 313. We request that the Licensee name be changed to The Ohio County Coal Company, an Ohio corporation. Both The Ohio County Coal Company and Consolidation Coal Company are wholly-owned subsidiaries of the same parent corporation. If you have any questions, please do not hesitate to contact Mr. Greg Evans at (740) 338-3205 or gregevans@coalsource.com.

Regards,
THE OHIO COUNTY COAL COMPANY

Jason D. Witt, Esq.
Secretary

Enclosure

611645

U.S. NUCLEAR REGULATORY COMMISSION
DIVISION OF NUCLEAR MATERIALS SAFETY

(4-2008)
10 CFR 30, 32, 33,
34, 35, 36, 39, and 40

Estimated burden per response to comply with this mandatory collection request: 4.4 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@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.

APPLICATION FOR MATERIALS LICENSE

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:

DIVISION OF INDUSTRIAL AND MEDICAL NUCLEAR SAFETY
OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS
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)

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

A. NEW LICENSE

The Ohio County Coal Company
46226 National Road
St. Clairsville, OHIO 43950

B. AMENDMENT TO LICENSE NUMBER

C. RENEWAL OF LICENSE NUMBER 34-35134.02

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

The Ohio County Coal Company
300 McMechen Street
Benwood, WV 26031

Gregory Evans

TELEPHONE NUMBER

(740) 338-3205

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 170.31)

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 30, 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

JASON O. LITZ, SECRETARY

3/15/19

FOR NRC USE ONLY

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

\$

APPROVED BY

DATE

**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): Cesium 137	Device manufacturer (or distributor) and model number: Model CQM	Specify activity per source and number of gauges requested.	Yes <input checked="" type="checkbox"/> Specific description of the gauge use: Coal Analysis _____ _____ _____ _____	<input checked="" type="checkbox"/> Not applicable <input type="checkbox"/> Uses are: (Submit safety analysis supporting safe use)
x		Isotope (Specify): CF-252	Device manufacturer (or distributor) and model number: Model CQM	Specify activity per source and number of gauges requested.	Yes <input checked="" type="checkbox"/> Specific description of the gauge use: Coal Analysis _____ _____ _____ _____	<input checked="" 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 Name: <u>Jeff Webb</u>	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. See Certificate of Radiological Training, exp date October 23, 2020	
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>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<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
10.10 Radiation Safety Program – Fixed Gauges Used at Temporary Job Sites	We will not use fixed gauges at temporary jobsites. <p style="text-align: center;">OR</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.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
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 RADIOLOGICAL TRAINING

This is to certify that

Jeff Webb

has successfully completed

***8 HOUR RADIATION SAFETY OFFICER REFRESHER TRAINING
AND INSTRUCTION AS REQUIRED BY NUREG-1556
VOLUME 4, APPENDIX G AND 49 CFR 172, SUBPART H***

*presented by Applied Health Physics, LLC
October 23rd, 2017*

Todd Mobley

Todd Y. Mobley - President

WCTB do

Management Review

October 23, 2017

Date
October 23, 2020

DOT Subpart H Expiration Date



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 1, 2019

Consolidation Coal Company
ATTN: Eric Barto
46226 National Road
St. Clairsville, OH 43950

Re: License No. 34-35134-02

SUBJECT: NOTICE OF LICENSE EXPIRATION

Your U.S. Nuclear Regulatory Commission (NRC) license will expire within the next 2 months. If you wish to continue your licensed program, you should prepare and submit a renewal application on NRC Form 313 (Enclosure 1), following regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) and licensing guidance in NUREG-1556, "Consolidated Guidance About Materials Licenses."

You must submit an application for the renewal of your license at least 30 days before the expiration date on the license.

If you do not wish to renew your license, you must dispose of or transfer all licensed radioactive material in your possession in accordance with 10 CFR 30, 40 and 70. Then complete the enclosed Form NRC-314, "A Certificate of Disposition of Materials" (Enclosure 2) and return it before the expiration date of your license, with a request that your license be terminated. If you have already applied for timely renewal of your materials license, please disregard this letter.

Sincerely,

Materials Safety Licensing Branch
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Form NRC 313
2. Form NRC 314