

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED

The Marshall County Coal Company
8126 ENERGY ROAD
MOUNDSVILLE, WV 26041

2. NRC/REGIONAL OFFICE

Region 1
2100 Renaissance Blvd
Suite 100
King of Prussia, PA 19406-2713

REPORT NUMBER(S) 2020001

3. DOCKET NUMBER(S)

030-38720

4. LICENSE NUMBER(S)

34-35134-01

5. DATE(S) OF INSPECTION

03/01/2020 - 03/30/2020

LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, to exercise discretion, were satisfied.

_____ Non-cited violation(s) were discussed involving the following requirement(s):

- 4. During this inspection, certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited in accordance with the NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11. (Violations and Corrective Actions)

A. License Condition 24 of NRC License 34-35134-01 states, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed under License Condition 24.

In the application dated May 6, 2011, as listed under License Condition 24, the licensee committed to performing a prospective evaluation demonstrating that unmonitored individuals are not likely to receive, in one year, a radiation dose in excess of 10% of the allowable limits in 10 CFR Part 20 or to providing dosimetry that meets the Criteria in the section entitled "Radiation Safety Program - Occupational Dosimetry," in NUREG 1556, Vol. 4, dated October 1998.

Contrary to the above, on March 2, 2020, the licensee failed to perform a prospective evaluation demonstrating that unmonitored individuals are not likely to receive, in one year, a radiation dose in excess of 10% of the allowable limits in 10 CFR Part 20 or to provide dosimetry that meets the Criteria in the section entitled "Radiation Safety Program - Occupational Dosimetry," in NUREG 1556, Vol. 4, dated October 1998.

As corrective action, the licensee produced a calculation demonstrating that unmonitored individuals are not likely to receive, in one year, a radiation dose in excess of 10 percent of the allowable limits in 10 CFR Part 20. The licensee has committed to maintaining this calculation.

This is a Severity Level IV violation (Enforcement Policy 6.3.d.3).

(Continued on Page 2)

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3. DOCKET NUMBER(S) 030-38720	4. LICENSE NUMBER(S) 34-35134-01	5. DATE(S) OF INSPECTION 03/01/2020 - 03/30/2020	

B. License condition 13 A of NRC License Number 34-35134-01 states that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed six months or at the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State.

Contrary to the above, from January 16, 2018 through April 10, 2019, the licensee failed to ensure that sealed sources were tested for leakage and/or contamination at intervals not to exceed six months or at the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or under equivalent regulations of an Agreement State. Specifically, from January 16, 2018 through April 10, 2019, the licensee did not perform leak tests of the Thermo Gamma Metrics CB-HI bulk analyzer at the required six-month frequency listed in the certificate of registration.

As corrective action, the licensee performed the leak test on April 10, 2019 and has a continuing contract with a service provider to perform leak tests on a six-month periodicity.

This is a Severity Level IV violation (Enforcement Policy 6.7.d.4)

Statement of Corrective Actions

I hereby state that, within 30 days, the actions described by me to the Inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

TITLE	PRINTED NAME	SIGNATURE	DATE
LICENSEE'S REPRESENTATIVE	Daniel Burlenski	<i>Daniel Burlenski</i>	4-3-2020
NRC INSPECTOR	Jonathan Pfingsten	<i>Jonathan Pfingsten</i>	3/30/2020
BRANCH CHIEF	Christopher Cahill		