



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BLVD.  
KING OF PRUSSIA, PA 19406-2713

December 07, 2020

Jeremy Hoops, President  
Lexington Coal Company, LLC.  
PO Box 299  
Sidney, KY 41564

SUBJECT: LEXINGTON COAL COMPANY, LLC., CONSENT TO LICENSE TRANSFER,  
MAIL CONTROL NO. 621369

Dear Mr. Hoops:

By letter dated June 23, 2020, documented in NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML20189A035, Lexington Coal Company, LLC and Rum Creek Coal Sales, Inc. jointly requested written consent to a direct transfer of control of NRC Materials License No. 47-30927-01 from Lexington Coal Company, LLC to Rum Creek Coal Sales, Inc. and a change in Radiation Safety Officer.

Based on the information you provided, we understand that this transaction is an asset sale. Lexington Coal Company, LLC and Rum Creek Coal Sales, Inc. negotiated a transaction in which Lexington Coal Company, LLC will sell and Rum Creek Coal Sales, Inc. will purchase a loading facility in West Virginia known as the Feats/Holden Loadout facility and various assets relating thereto, including Lexington Coal Company, LLC (Material License No. 47-30927-01). We understand that this transfer will not result in any change to the location of use, materials, persons using licensed material, or persons responsible for radiation safety at the licensed facility, with the exception of the radiation safety officer. We further understand that the name will change to Rum Creek Coal Sales, Inc.

Based on the above understandings, as more fully detailed in the enclosed NRC staff's Safety Evaluation Report, which documents the NRC staff's safety review of the request, and in accordance with 10 CFR 30.34, the NRC consents to the transfer. Please note that you will need to notify us promptly, in writing, after the transaction has been finalized and include a signed copy of the asset transfer agreement confirming completion of the transaction. With this information, we can issue an administrative amendment to your NRC license to reflect the transaction. If this planned transfer has not been consummated within 30 days of the date of this letter, please notify the NRC, in writing, as this consent may be deemed null and void. Additionally, future changes in the license's name, licensed use, licensed materials, licensed locations, or persons responsible for licensed material require submission of a request to amend the license or a request to transfer the license. NRC approval must be received prior to implementation of the change.

Please review the enclosed document carefully and be sure that you understand and fully implement all the conditions incorporated into the amended license. If there are any errors or questions, please contact me at 610-337-5323 or via electronic mail at [Laurie.Kauffman@nrc.gov](mailto:Laurie.Kauffman@nrc.gov). so that appropriate corrections or answers can be provided.

An environmental assessment for this action was not required because this action is categorically excluded under 10 CFR 51.22(c)(21) and 10 CFR 51.22(c)(14).

An electronic version of the NRC's regulations is available on the NRC Web Site at: [www.nrc.gov](http://www.nrc.gov). Additional information regarding use of radioactive materials may be obtained on the NRC Web Site at: <http://www.nrc.gov/materials/miau/mat-toolkits.html>.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web Site at: <http://www.nrc.gov/about-nrc/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure 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>.

Thank you for your cooperation in this matter.

Sincerely,

Laurie A. Kauffman, Health Physicist  
Commercial, Industrial, R&D  
and Academic Branch  
Division of Nuclear Materials Safety  
Region I

License No. 47-30927-01

Docket No. 03036608

Mail Control No. 621369

cc: Roger L. Nicholson, Vice President and  
Secretary, Rum Creek Coal Sales, Inc.  
Thaddeus White, Radiation Safety Officer  
Rum Creek Coal Sales, Inc.  
Helena Jackson, Secretary,  
Lexington Coal Company, LLC

Enclosures:

- 1) Safety Evaluation Report
- 2) Rum Creek Coal Sales, Inc., Amendment No. 11

LEXINGTON COAL COMPANY, LLC., CONSENT TO LICENSE TRANSFER, MAIL CONTROL  
NO. 621369  
DATED DECEMBER 07, 2020

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**SUNSI Review Complete: LKauffman**

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NAME	LKauffman (LAK)	Irvin (II by email to LKauffman) LAK for					
DATE	11/23/2020	11/23/2020					

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