



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

June 24, 2021

Eric Barto, Permitt Engineer
Marshall County Coal Resources, Inc.
46226 National Road
St. Clairsville, OH 43950

SUBJECT: MARSHALL COUNTY COAL RESOURCES, INC., REQUEST FOR
ADDITIONAL INFORMATION, MAIL CONTROL NO. 626892

Dear Mr. Barto:

This is in reference to your application dated May 12, 2021, requesting to renew NRC License No. 34-35134-01. In order to continue our review, we need the following additional information:

1. Your renewal application dated May 12, 2021, was completed using the NUREG-1556, Volume 4, Appendix B Checklist "Suggested Format for Providing Information Requested in Items 5 Through 11 of NRC Form 313." Be advised that this NUREG was revised in July 2016, and can be found online at <https://www.nrc.gov/reading-rm/doc-collections/nureqs/staff/sr1556/v4/index.html>. Please select one of the following two options below in order to address the resultant deficiencies in your renewal application:
 - a. Complete and submit Appendix B from NUREG-1556, Volume 4, Revision 1, along with a cover letter signed by an appropriate level of management. This will update your license commitments to the associated Revision 1 language. Please note that, although most sections of the revision are similar to the 1998 version, some sections, such as Section 8.10.6, "Operating and Emergency Procedures," have expanded information.
 - b. If you prefer not to submit the checklist from the revised document, respond to each of the following:
 - i. In accordance with Item 7.2: Individual(s) Responsible For Radiation Safety Program And Their Training And Experience – Authorized Users, state: *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."*
 - ii. In accordance with Item 9: Facilities And Equipment:
 1. State that: *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.”

or

2. Confirm 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.
- iii. In accordance with Item 10.4: Radiation Safety Program Occupational Dose, state that:
1. *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).*
- and/or
2. *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.*
- iv. In accordance with Item 10.6: Radiation Safety Program – Operating, Emergency, and Security Procedures:
1. 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.
- and/or
2. 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.
- v. In accordance with Item 10.8: Radiation Safety Program – Routine Maintenance, state that: *We will implement and maintain procedures for routine maintenance of our gauges according to each manufacturer’s or*

distributor's written recommendations and instructions.

2. Table B.1 Items 5&6 Materials to be Possessed and Proposed Uses did not include the device manufacturer and model information. Your current license, Amendment No. 2, presently authorizes the following in license condition 6/7/8/9 A-E:
- Thermo Process Instruments, LP, Model 5201 fixed gauge – Cs-137, no more than 100 mCi per source and 1,000 mCi total to perform level or density measurements;
 - Thermo Process Instruments, LP, Model 5202 fixed gauge – Cs-137, no more than 500 mCi per source and 1,000 mCi total to perform level or density measurements;
 - Thermo Gamma Metrics, Model CB-HI fixed gauge – Cs-137, no more than 10.5 mCi per source and 10.5 mCi total to perform level or density measurements;
 - Thermo Gamma Metrics, Model CB-HI fixed gauge – Cf-252, no more than 16 mCi per source and 16 mCi total to perform elemental analysis of bulk materials; and
 - SABIA, Inc. Model XC-Series-25 Materials Analyzer – Cf-252, no more than 13.5 mCi per source and 13.5 mCi total to perform elemental analysis of bulk materials.

Confirm if these present materials and use authorizations are sufficient to cover your present and anticipated needs. If different gauges will be required, provide the following:

- i. Identify each radionuclide and nominal activity in each fixed gauge;
- ii. Identify the manufacturer (or distributor) and model number or name of each type of fixed gauge;
- iii. State the number of each type of fixed gauge requested;
- iv. Provide a description of the use of the gauges; and
- v. Confirm that the activity per source and maximum activity per gauge being requested will not exceed the maximum activity listed in the approved certificate of registration issued by the NRC or by an Agreement State.

We will continue our review upon receipt of this information. Please reply to the attention of:

Jason vonEhr
Mail Control No. 626892
USNRC, Region I
Division of Radiological Safety and Security
2100 Renaissance Boulevard
King of Prussia, PA 19406

Or if submitting by electronic mail, attach your response to an email sent to:

R1DRSSMail.Resource@nrc.gov
Reference – Jason vonEhr
Mail Control No. 626892

In order to continue prompt review of your application, we request that you submit your response to this letter within 30 calendar days from the date of this letter.

An electronic version of the NRC's regulations is available on the NRC Web Site at: 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>. This site also provides the link to the toolbox for updated information on the revised regulations for naturally-occurring and accelerator-produced radioactive materials (NARM).

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter 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>. Please be aware that you may request that certain portions of your submittal to NRC be withheld from public disclosure as proprietary information. To do this, you must execute an affidavit as specified in 10 CFR 2.390. You must list all portions that you wish to be held proprietary, along with your reasoning as to why that is appropriate. While it is allowable, please refrain from submitting proprietary information in support of a license unless necessary. Keep in mind that all NRC licenses are considered to be in the public domain, and therefore may be viewed by any member of the public who requests to see them.

If you have any questions regarding this request for additional information, please contact Mr. Jason vonEhr at (610) 337-5256 or via electronic mail at Jason.vonEhr@nrc.gov. If he is not available, you may contact me at (610) 337-5040 or by electronic mail to Elizabeth.Ullrich@nrc.gov.

Thank you for your cooperation.

Sincerely,

Betsy Ullrich, Senior Health Physicist
Commercial, Industrial, R&D
and Academic Branch
Division of Radiological Safety and Security
Region I

License No. 34-35134-01
Docket No. 030-38720
Mail Control No. 030-38720

cc: Danial Burlenski, Radiation Safety Officer

MARSHALL COUNTY COAL RESOURCES, INC., REQUEST FOR ADDITIONAL INFORMATION, MAIL CONTROL NO. 626892 DATED JUNE 24, 2021

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| OFFICE | RI:DRSS | N | RI:DRSS | N | | | | |
| NAME | Jason vonEhr | | Betsy Ullrich | | | | | |
| DATE | 06/24/2021 (JEV1) | | 624/21 exu | | | | | |

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