



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

September 2, 2022

Michael R. Hersel
Radiation Safety Officer
Sunrise Coal, LLC
12661 North Agri Care Rd.
Oaktown, IN 47561

SUBJECT: AMENDMENT NO. 07 TO RADIOACTIVE MATERIALS LICENSE FOR
SUNRISE COAL, LLC, U.S. NRC MATERIALS LICENSE NO. 13-35049-01

Dear Mr. Hersel:

Enclosed is Amendment No. 07 to your U.S. Nuclear Regulatory Commission (NRC) Materials License No. 13-35049-01 in accordance with your letter dated August 3, 2022, signed by Terry M. Dowell, Vice President of Underground Operations.

Congratulations on your appointment as Radiation Safety Officer. Additional information, guidance and resources are available from the agency to assist you. This includes U.S. NRC NUREG-1556, Volume 4, Rev. 1, July 2016, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses," particularly including Appendix C, "Typical Duties and Responsibilities of the Radiation Safety Officer," and Appendix E, "Fixed Gauge Audit Checklist." This guidance document is available on the U.S. NRC website at: <https://www.nrc.gov/docs/ML1618/ML16188A048.pdf>.

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. NRC Region III office at (630) 829-9887 so that appropriate corrections or answers may be provided.

An environmental assessment for this action is not required because this action is categorically excluded under Title 10 of the *Code of Federal Regulations* (CFR) Section 51.22(c).

You will be periodically inspected by the U.S. NRC. Failure to conduct your program in accordance with U.S. NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with U.S. NRC will result in enforcement action against you. This could include issuance of a notice of violation; or imposition of a civil penalty; or an Order suspending, modifying, or revoking your license as specified in the U.S. NRC Enforcement Policy. Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance that U.S. NRC expects of its licensees.

The U.S. 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 U.S. NRC's safety culture website at <https://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>.

I 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 U.S. NRC-regulated activities.

In accordance with 10 CFR §2.390 of the U.S. NRC's "Rules of Practice and Procedure," a copy of this letter and its enclosure will be available electronically for public inspection in the U.S. NRC Public Document Room or from the U.S. NRC's ADAMS, accessible from the U.S. NRC website at <https://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

Jason M. Kelly, MPH
Health Physicist
Materials Licensing Branch

Docket No.: 030-38625
License No.: 13-35049-01

Enclosure: Amendment No. 07 to NRC License No. 13-35049-01