

(6-2004)
10 CFR 30.36(j)(1); 40.42(j)(1);
70.38(j)(1); and 72.54(j)(1)

Br. 3

CERTIFICATE OF DISPOSITION OF MATERIALS

Estimated burden per response to comply with this mandatory collection request: 30 minutes. This submittal is used by NRC as part of the basis for its determination that the facility is released for unrestricted use. Send comments regarding burden estimate to the Records and FOIA/Privacy Services Branch (T-5 F52), 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, (3150-0028), 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.

LICENSEE NAME AND ADDRESS

Kanawha Eagle Coal Company
One Carbon Center, Suite 200
Chesapeake, West Virginia 25315

LICENSE NUMBER

47-25598-01

DOCKET NUMBER

030-36048

LICENSE EXPIRATION DATE

08/31/2012

A. LICENSE STATUS (Check the appropriate box)☐ This license has expired.☒ This license has not yet expired; please terminate it.**B. DISPOSAL OF RADIOACTIVE MATERIAL**

(Check the appropriate boxes and complete as necessary. If additional space is needed, provide attachments)

The licensee, or any individual executing this certificate on behalf of the licensee, certifies that:

- ☐ 1. No radioactive materials have ever been procured or possessed by the licensee under this license.
- ☒ 2. All activities authorized by this license have ceased, and all radioactive materials procured and/or possessed by the licensee under this license number cited above have been disposed of in the following manner:
- ☒ a. Transfer of radioactive materials to the licensee listed below:

☐ b. Disposal of radioactive materials:

☐ 1. Directly by the licensee:

Potesta & Associates, Inc.
Contact: Chris Grose, RSO
7012 MacCorkle Avenue, SE
Charleston, West Virginia 25304

☐ 2. By licensed disposal site:

Phone: (304) 342-1400
Fax: (304) 343-9031

☐ 3. By waste contractor:

NRC License No. 47-25389-01
Expiration Date: June 24, 2005
Docket No. 030-34428

☐ c. All radioactive materials have been removed such that any remaining residual radioactivity is within the limits of 10 CFR Part 20, Subpart E, and is ALARA.

C. SURVEYS PERFORMED AND REPORTED

- ☐ 1. A radiation survey was conducted by the licensee. The survey confirms:
- ☐ a. the absence of licensed radioactive materials
- ☐ b. that any remaining residual radioactivity is within the limits of 10 CFR 20, Subpart E, and is ALARA.
- ☐ 2. A copy of the radiation survey results:
- ☐ a. is attached; or ☐ b. is not attached (Provide explanation); or ☐ c. was forwarded to NRC on: _____ Date _____
- ☒ 3. A radiation survey is not required as only sealed sources were ever possessed under this license, and
- ☒ a. The results of the latest leak test are attached; and/or ☐ b. No leaking sources have ever been identified.

The person to be contacted regarding the information provided on this form:

gallimore@kanawhaeaglecoal.com

NAME

Ron Gallimore

TITLE

Manager

TELEPHONE (Include Area Code)

(304) 949-3333

E-MAIL ADDRESS

See Above

Mail all future correspondence regarding this license to:
Ron Gallimore at Kanawha Eagle Coal Company

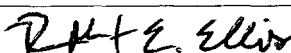
C. CERTIFYING OFFICIAL

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT

PRINTED NAME AND TITLE

Robert Ellis, Vice President of Operations

SIGNATURE



DATE

7/24/06

WARNING: FALSE STATEMENTS IN THIS CERTIFICATE MAY BE SUBJECT TO CIVIL AND/OR CRIMINAL PENALTIES. NRC REGULATIONS REQUIRE THAT SUBMISSIONS TO THE NRC BE COMPLETE AND ACCURATE IN ALL MATERIAL RESPECT. 18 U.S.C. SECTION 1001 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.

**Troxler Electronic Laboratories, Inc.**

3008 Cornwallis Rd., P.O. Box 12057
Research Triangle Park, NC 27709
Tel: (877) 878-9537 Fax: (919) 485-2250

License: NC 032-0182-1

LEAK TEST CERTIFICATE**DEVICE:**

Model: 3430

Serial No: 33675

SEALED SOURCES:

SERIAL NO.	MEASURE DATE	NUCLIDE	ACTIVITY	
			(GBq)	(mCi)
750-9347	04/04/2002	CS-137	0.296	8
47-4593	09/23/1980	AM-241:BE	1.48	40

LEAK TEST ANALYSIS:

Sample collected on: 06/05/2006

Sample analyzed on: 06/09/2006 at 11:26:00 AM

KAWAUKA EAGLE

Analyzed by: HARRY P. PENDLETON, JR.

	ALPHA	BETA-GAMMA
Conversion factor (cpm/Bq)	1.28E+01	2.04E+01
Background measurement (cpm)	1	28
Sample measurement (cpm)	0	27
Activity (Bq)	< MDA	< MDA
Min. Detectable Activity (Bq)	8.1E-01	1.3E+00

This certifies that the above leak test results are:

☒ Less than 185 Bq (0.005 uCi)

☐ Greater than 185 Bq (0.005 uCi)

If greater than 185 Bq (0.005 uCi):

Person Notified _____

Date _____

Phone _____

and/or Fax _____

Ron G.

2 PAGES

LEAK TEST / CONDITION INSPECTION

PREPARATION CONTROL SALES & SERVICE

P.O. BOX 748
NITRO, WV 25143
(304) 755-4374
FAX(304) 755-4375

DATE: 6/5/06

MANUFACTURER: TROXLER

MODEL # 2430

SERIAL # 33675

ISOTOPE: CS-137

ACTIVITY: 18 MCI 750-9347

CIRCUIT NAME: COMPACTION / MOISTURE GAUGE

SHUTTER OPERATION: OK

PLACARD CONDITION: OK

COMMENT: OK

RESULTS TO:

NAME: BUD MAY

CO. NAME: KANAWHA EAGLE COAL CO.

ADDRESS: PO BOX 189

CITY: COMFORT

STATE: WV

E-MAIL TO:
PROCESSING
PLANT

BMA Y@KANAWHA EAGLE COAL CO.

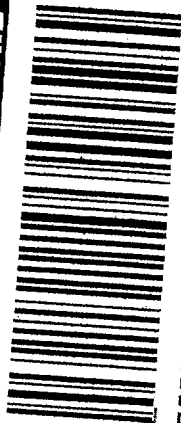
ZIP: 25019

TESTED BY: [Signature]

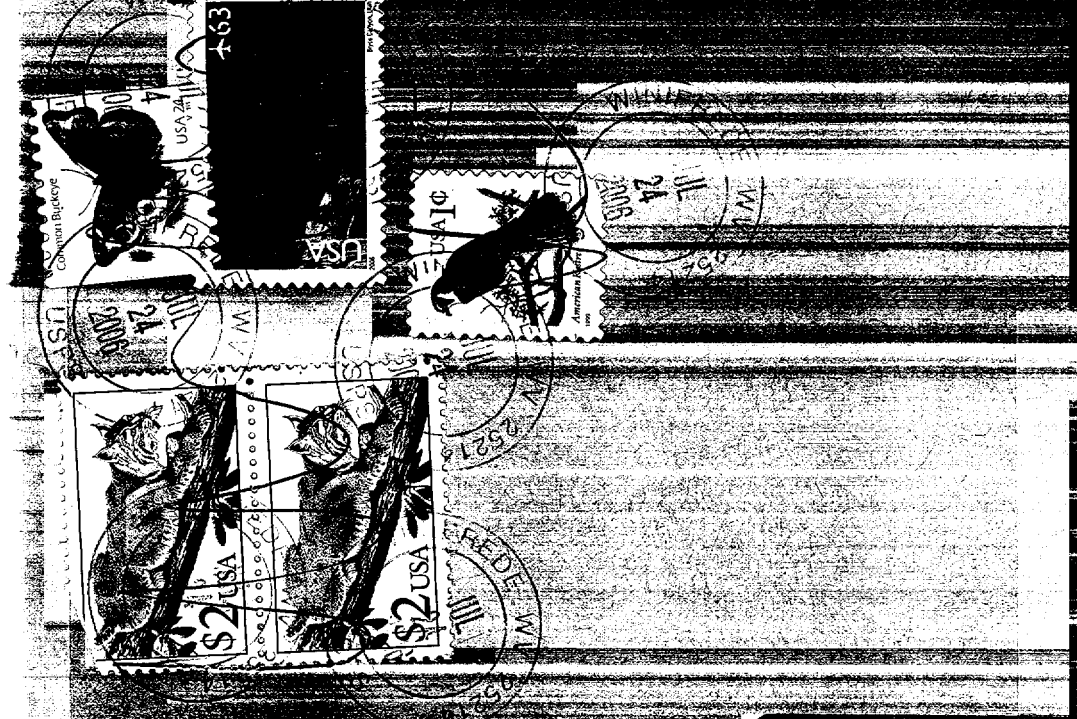
RON GALLIMORE
K. E. COAL
P.O. BOX 130
WINIFREDE WV 25214

PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS.
FOLD AT DOTTED LINE

CERTIFIED MAIL



7000 0600 0021 7012 5449



LICENSING ASSISTANT SECTION
NUCLEAR MATERIALS SAFETY BRANCH
U.S. NUCLEAR REG. COMMISSION, REGION 1
475 ALLENDALE RD.
KING OF PRUSSIA, PA 19406-1415

139189

This is to acknowledge the receipt of your letter/application dated

7/24/2006, and to inform you that the initial processing which includes an administrative review has been performed.

☒ Termination 47-25598-01 There were no administrative omissions. Your application was assigned to a technical reviewer. Please note that the technical review may identify additional omissions or require additional information.

☐ Please provide to this office within 30 days of your receipt of this card

A copy of your action has been forwarded to our License Fee & Accounts Receivable Branch, who will contact you separately if there is a fee issue involved.

Your action has been assigned **Mail Control Number** 139188.
When calling to inquire about this action, please refer to this control number.
You may call us on (610) 337-5398, or 337-5260.

NRC FORM 532 (RI)
(6-96)

Sincerely,
Licensing Assistance Team Leader