

**Michael G. Herr, CHP**  
**MATERIALS LICENSING BRANCH**  
**UNITED STATES NUCLEAR REGULATORY COMMISSION**  
REGION III  
2443 WARRENVILLE ROAD SUITE 210  
LISLE, ILLINOIS 60532-4352  
OFFICE: (630)-829-9752 FAX: (630) 515-1078

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**CONVERSATION RECORD**

TIME

DATE

**E-mailed on 9/23/10**

**9:10 CST.**

**9/21/10**

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NAME OF PERSON(S) CONTACTED

ORGANIZATION

TELEPHONE NO.

John Spears  
Radiation Safety Officer

Gibson County Coal. LLC

O: (812)-385-1816

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SUBJECT

License No.: 13-32272-01

Control No.: **573519**

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SUMMARY

This refers to your renewal application dated July 28, 2010, and the conversation between John Spears and Michael Herr on September 21, 2010.

During our review of your renewal application letter dated July 28, 2010, it appeared that your application had not been prepared in accordance with the guidance in NUREG 1556, Vol. 4, October, 1998 "Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Fixed Gauge Licenses." This omission has resulted in an incomplete application and we will need you to resubmit a complete renewal application as described below.

NRC Form 314 is not the appropriate form to be completed for the renewal process. This is a form that is used to terminate your license. As we discussed in our conversation on September 21, 2010, please confirm that you retract your submission of your NRC Form 314 dated July 28, 2010.

The NUREG previously mentioned needs to be reviewed to ensure you understand the commitments that you will be making in your responses, as discussed below, to Appendix B of this NUREG. Using Appendix B is the simplest way to prepare your renewal and helps to ensure a more complete application.

Please refer to NUREG 1556, Vol.4, and October 1998 available at our website at:

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/v4/sr1556v4.pdf>

You should already have a hard copy of this NUREG but we are advising you of the website availability of this NUREG also.

Please note that certain sections of this NUREG have been modified since its last revision, as noted below:

We now require a total possession limit for each radionuclide requested, as well as providing the "per source" activity you need, which should match the Sealed Source and Device Registry certificate procured by the vendor. Please provide this information and note that it is acceptable to request more sealed sources than you may actually need immediately, to allow for some growth, so long as the request is reasonable and realistic.

You will not be able to change and name your RSO internally; NRC must do that for you via the amendment process. For future reference only, please include the name and qualifications of your proposed RSO and a written, signed and dated statement that stipulates your proposed RSO accepts the RSO position and understands the duties and responsibilities associated with the position. Each proposed RSO must be qualified in accordance with the guidance in NUREG 1556, Vol. 1, Rev. 1, Section 8.7, Item 7: Individual(s) Responsible for Radiation Safety Program and Their Training and Experience.

Address your written response to my attention at the above address and please be sure to reference Control No. 573519 to facilitate proper handling in our office. As a reminder, please provide the information requested in writing, accompanied by a transmittal letter or Form NRC 313 that is appropriately dated and signed by a senior management official.

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ACTION REQUIRED

Please submit the requested information within 30 calendar days (by October 23, 2010) by referencing control number **573519** to facilitate proper handling. Upon receipt of your response we will resume our review. Address your written response to my attention at the above address.

PLEASE DIRECT ANY QUESTIONS YOU MAY HAVE TO MICHAEL G. HERR, CHP at 630-829-9752 OR AT (800) 522-3025, EXT. 9752.

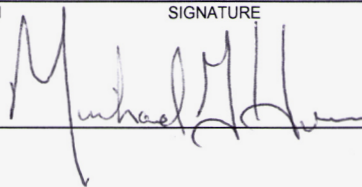
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NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Michael G. Herr, CHP



September 23, 2010

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**Herr, Michael**

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**From:** Herr, Michael  
**Sent:** Thursday, September 23, 2010 12:57 PM  
**To:** 'john.spears@arlp.com'  
**Subject:** Telephone Conversation Record  
**Attachments:** Telephone Conversation Record Gibson County Coal, LLC.pdf

Mr. Spears,

Attached is our conversation record from September 21, 2010. Please contact me at the below number if you have any further questions.

Sincerely,

Michael G. Herr  
Materials Licensing Branch  
Region III

***Michael G. Herr***

U. S. Nuclear Regulatory Commission - Region III  
Materials Licensing Branch  
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Lisle, Illinois 60532-4352

630-829-9752  
[Michael.Herr@nrc.gov](mailto:Michael.Herr@nrc.gov)

