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APPENDIX A

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|---|--|--|--|---------------------|-----------------|
| NRC FORM 313 (8-1999) 10 CFR 30, 32, 33 34, 35, 36, 39 and 40 | U. S. NUCLEAR REGULATORY COMMISSION | APPROVED BY OMB: NO. 3150-0120 EXPIRES: 08/31/2002 | Estimated burden per response to comply with this mandatory information collection request: 7.4 hours. Submittal of the application is necessary to determine that the applicant is qualified and that adequate procedures exist to protect the public health and safety. Send comments regarding burden estimate to the Records Management Branch (T-8 E6), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to bps1@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0120), 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, NRC may not conduct or sponsor, and a person is not required to respond to, the information collection. | | |
| APPLICATION FOR MATERIAL LICENSE | | | | | |
| INSTRUCTIONS: SEE THE APPROPRIATE LICENSE APPLICATION GUIDE FOR DETAILED INSTRUCTIONS FOR COMPLETING APPLICATION. SEND TWO COPIES OF THE ENTIRE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW. | | | | | |
| APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH: DIVISION OF INDUSTRIAL AND MEDICAL NUCLEAR SAFETY OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS U.S. NUCLEAR REGULATORY COMMISSION WASHINGTON, DC 20555-0001 ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS: IF YOU ARE LOCATED IN: CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, PENNSYLVANIA, RHODE ISLAND, OR VERMONT, SEND APPLICATIONS TO: LICENSING ASSISTANT SECTION NUCLEAR MATERIALS SAFETY BRANCH U.S. NUCLEAR REGULATORY COMMISSION REGION I 475 ALLENDALE ROAD KING OF PRUSSIA, PA 19406-1415 ALABAMA, FLORIDA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, PUERTO RICO, SOUTH CAROLINA, TENNESSEE, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA, SEND APPLICATIONS TO: SAM NUNN ATLANTA FEDERAL CENTER U.S. NUCLEAR REGULATORY COMMISSION REGION II 81 FORSYTH STREET, S.W., SUITE 23785 ATLANTA, GEORGIA 30303-8931 | | IF YOU ARE LOCATED IN: ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND APPLICATIONS TO: MATERIALS LICENSING SECTION U.S. NUCLEAR REGULATORY COMMISSION, REGION III 801 WARRENVILLE RD Lisle, IL 60532-4351 ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, HAWAII, IDAHO, KANSAS, LOUISIANA, MONTANA, NEBRASKA, NEVADA, NEW MEXICO, NORTH DAKOTA, OKLAHOMA, OREGON, PACIFIC TRUST TERRITORIES, SOUTH DAKOTA, TEXAS, UTAH, WASHINGTON, OR WYOMING, SEND APPLICATIONS TO: NUCLEAR MATERIALS LICENSING SECTION U.S. NUCLEAR REGULATORY COMMISSION REGION IV 611 RYAN PLAZA DRIVE, SUITE 400 ARLINGTON, TX 76011-8064 | | | |
| PERSONS LOCATED IN AGREEMENT STATES SEND APPLICATIONS TO THE U.S. NUCLEAR REGULATORY COMMISSION ONLY IF THEY WISH TO POSSESS AND USE LICENSED MATERIAL IN STATES SUBJECT TO U.S. NUCLEAR REGULATORY COMMISSION JURISDICTIONS. | | | | | |
| 1. THIS IS AN APPLICATION FOR (Check appropriate item) <input checked="" type="checkbox"/> A NEW LICENSE <input type="checkbox"/> B AMENDMENT TO LICENSE NUMBER _____ <input type="checkbox"/> C RENEWAL OF LICENSE NUMBER _____ | | 2. NAME AND MAILING ADDRESS OF APPLICANT (include Zip code) Affinity Coal Company 109 Appalachian Drive Beckley, WV 25801 | | | |
| 3. ADDRESS(ES) WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED 111 Affinity Complex Rd Sophia, WV 25921 6001 Coal City Road Rhodell, WV 25915 | | 4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION Laura Claypool & Kim Reed TELEPHONE NUMBER 304-255-7030 & 304-683-4097 | | | |
| SUBMIT ITEMS 5 THROUGH 11 ON 8-1/2 X 11" PAPER. THE TYPE AND SCOPE OF INFORMATION TO BE PROVIDED IS DESCRIBED IN THE LICENSE APPLICATION GUIDE. | | | | | |
| 5. RADIOACTIVE MATERIAL a. Element and mass number, b. chemical and/or physical form, and c. maximum amount which will be possessed at any one time. | | 6. PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED | | | |
| 7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING EXPERIENCE | | 8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS | | | |
| 9. FACILITIES AND EQUIPMENT | | 10. RADIATION SAFETY PROGRAM | | | |
| 11. WASTE MANAGEMENT | | 12. LICENSEE FEES (See 10 CFR 170 and Section 170.31) FEE CATEGORY _____ AMOUNT ENCLOSED \$1,500.00 | | | |
| 13. CERTIFICATION. (Must be completed by applicant) THE APPLICANT UNDERSTANDS THAT ALL STATEMENTS AND REPRESENTATIONS MADE IN THIS APPLICATION ARE BINDING UPON THE APPLICANT. THE APPLICANT AND ANY OFFICIAL EXECUTING THIS CERTIFICATION ON BEHALF OF THE APPLICANT, NAMED IN ITEM 2, CERTIFY THAT THIS APPLICATION IS PREPARED IN CONFORMITY WITH TITLE 10, CODE OF FEDERAL REGULATIONS, PARTS 30, 32, 33, 34, 35, 36, 39 AND 40, AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF. WARNING: 18 U.S.C. SECTION 1001 ACT OF JUNE 25, 1948 62 STAT. 749 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. | | | | | |
| CERTIFYING OFFICER - TYPED/PRINTED NAME AND TITLE William B. Wells, JR Vice President | | SIGNATURE [Signature] DATE 10/27/11 | | | |
| FOR NRC USE ONLY | | | | | |
| TYPE OF FEE | FEE LOG | FEE CATEGORY | AMOUNT RECEIVED \$ | CHECK NUMBER | COMMENTS |
| APPROVED BY | | DATE | | | |

 RECEIVED
 REGION I

OCT 27 2011 PM 12:21



Affinity Coal Company LLC
A subsidiary of United Coal Company LLC

109 Appalachian Drive
Beckley, WV 25801
Phone: 304-255-9030
Fax: 304-255-9032
email: info@unitedcoal.com

Items 5-11:

5.) Radioactive Material:

a.) Element & Mass Number~

Cesium-137~

Manufacturer and Model Number: Troxler Electronic Laboratories
3008 Cornwallis Road
P.O. Box 12057
Research Triangle Park, NC 27709
Model No. 3440

Americium-241:Be~

Manufacturer and Model Number: Troxler Electronic Laboratories
3008 Cornwallis Road
P.O. Box 12057
Research Triangle Park, NC 27709
Model No. 3440

Quantity is not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device (SSDR) Certificate

6.) Purpose(s) for which Licensed Material will be used:

To measure moisture and density of soils and aggregates.

7.) Individual(s) Responsible for Radiation Safety Program and their raining Experience:

Name: Kim Reed

Before obtaining licensed materials, the proposed RSO will have successfully completed one of the training courses described in Criteria in the section entitled "Individual(s) Responsible for Radiation Safety Program and Their Training Experience-Radiation Safety Officer" in NUREG-1556, Vol.1, dated November 2001.

8.) Training for Individuals Working in or Frequenting Restricted Areas:

Before using licensed materials, authorized users will have successfully completed one of training course described in Criteria in the section entitled "Training for Individuals Working in of frequenting Restricted Areas" in NUREG-1556, Vol.1, Rev 1, dated November 2001.

9.) Facilities and Equipment:

No information needs to be submitted.

10.) Radiation Safety Program:

Audit Program~Not required to submit.

Termination of Activities~Not required to respond.

Survey Instruments ~ We will either possess and use, or have access to and use, a radiation survey meter that meets the Criteria in the section entitles "Radiation Safety Program-Instrument" in NUREG-1556, Vol, Rev. 1, dated November 2001.

Material Receipt & Accountability~ Physical inventories will be conducted at intervals not to exceed 6 months, to account for all sealed sources and devices received and possessed under the license.

Occupational Dosimetry~Either we will maintain , for inspection by the NRC, documentation demonstrating that unmonitored individuals are not likely to receive a radiation dose in excess of 10 percent of the allowable limits in 10 CFR Part 20, or we will provide dosimetry processed & evaluated by an NVLAP-approved processor that is exchanged at a frequency recommended by the processor.

Public Dose~Not required to submit a response.

Operating & Emergency Procedures~ We will implement & maintain the operating & emergency procedures in Appendix H of NUREG-1556, Vol. 1, Rev 1, dated November 2001, and provide copies of these procedures to all gauge users and at each job site.

Leak Test~Leak Tests will be performed in intervals approved by NRC or an Agreement State and specified in the Sealed Source & Device Registration Sheet. Leak Tests will be performed by an organization authorized by NRC or an Agreement State to provide leak testing services for other licenses or using a leak test kit supplied by an organization authorized by NRC of an Agreement State to provide leak tests kits to other licenses and according to the kit's supplier's instructions.

Program Maintenance~ *Routine Cleaning & Lubrication*-We will implement and maintain procedures for routine maintenance procedures for routine maintenance for our gauges according to each manufacturer's recommendations and instructions. *Non-Routine Maintenance*-We will send the gauge to the manufacturer

or other person authorized by NRC or an Agreement State to perform non-routine maintenance or repair operations that require removal of the source or source rod from the gauge.

Transportation~ Not required to submit a response.

11.)Waste Management-Gauge Disposal & Transfer:No response required.

This is to acknowledge the receipt of your letter application dated

10/27/2011, and to inform you that the initial processing which includes an administrative review has been performed.

☒ New License Application (03088507)
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** 576418.
When calling to inquire about this action, please refer to this control number.
You may call us on (610) 337-5398, or 337-5260.