



WESTMORELAND KEMMERER, INC.

P. O. Box 950, Kemmerer, WY 83101
Phone: (307)828-2200 • Toll Free: (855) 922-6463 www.westmoreland.com

July 17, 2012

Roberto J. Torres
Senior Health Physicist
U.S. Nuclear Regulatory Commission – Region IV
Nuclear Materials Safety Branch B
1600 East Lamar Boulevard
Arlington, TX 76011-4511



Subject: License Amendment (Change of Ownership)
License Number 49-17605-04, Docket No. 030-33273 Control No. 575376

Dear Mr. Torres,

This letter is to request a license amendment to License No. 49-17605-04 due to a change of ownership in our operating company. I will summarize this change by addressing the six items of Appendix F: "Information Needed for Change of Control and/or Change of Ownership", from NUREG-1556, Volume 15. (see attachment)

Please let me know if you have any questions or if you require any additional information.

Sincerely,

Steve Yantzi
Radiation Safety Officer
Westmoreland Kemmerer, Inc.
Ph: 307-877-9431
Cell 307-871-9214

PUBLIC

- ☐ Immediate Release
☒ Normal Release

NON-PUBLIC

- ☐ A.3 Sensitive-Security Related
☐ A.7 Sensitive Internal
☐ Other: _____

Reviewer: fw Date: 7/24/12

1 Attachment

No. 577895

**Change of Control and/or Change of Ownership
(Includes Change of Name)**

10 CFR 30.34(b) states that "no license issued or granted pursuant to the regulations...nor any right under a license shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall...find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing. Although not specifically addressed by 10 CFR 30.34, licensees undergoing a name change may also be affected by this regulation.

Control over licensed activities can be construed as the authority to decide when and how a license (licensed material and/or activities) will be used. A change of ownership may be an example of a change of control. The central issue is whether the authority over the license has changed. In all cases, determining whether a change of control has taken place or whether a change is in name only is the Commission's responsibility.

Licensees must notify the Commission when they are undergoing a possible change of control and/or a change of name. While this notification is not required within a certain time frame, NRC needs adequate time to review the submittal to ensure that the transfer is in accordance with the regulations.

In order to process your request for a change of control/ownership and/or a name change, the information on the following pages is required. Our fax number is (817) 200-1188. If you have any questions regarding our discussion or this fax, please contact me. When responding to this fax, please include the license, docket, and mail control numbers, located at the top of this page as well as the following pages. Thank you.

Definitions: **Transferee:** A transferee is an entity that proposes to purchase or otherwise gain control of an NRC-licensed operation.

Transferor: A transferor is an NRC licensee selling or otherwise giving up control of a licensed operation.

Information Required for Change of Control and/or Change of Ownership
(Includes Change of Name)
Source: NUREG-1556, Volume 15

Please provide the following information concerning changes of control (transferor and/or transferee, as appropriate). If any items are not applicable, state so.

1. Provide a complete description of the transaction (i.e., transfer of stocks or assets, or merger). Indicate whether the name has changed and include the new name. Include the name and telephone number of a licensee contact who NRC may contact if more information is needed.

A. Description of the transaction: Asset Acquisition
Transfer of ownership from Chevron Mining Inc. to
Westmoreland Kemmerer, Inc.
P.O. Box 950
Kemmerer, WY 83101

B. ☐ No name change

☒ New name of licensed organization: Westmoreland Kemmerer, Inc.

C. ☒ No change in contact

☐ New contact: _____

☐ New telephone number: _____

2. Describe any changes in personnel or duties that relate to the licensed program. Include training and experience for new personnel.

A. ☒ No changes in personnel having control over licensed activities.

☐ Changes in personnel having control over licensed activities (e.g. officers of a corporation):

B. ☒ No changes in personnel named in the license.

☐ Changes in personnel named in the license (e.g. RSO, AUs) - include training, experience and responsibilities:

3. Describe, in detail, any changes in the organization, location, facilities, equipment or procedures that relate to the licensed program.

☒ Organization: New Owner
Westmoreland Kemmerer, Inc ☐ Equipment: (no change)

☐ Location: (no change) ☐ Procedures: (no change)

☐ Facility: (no change) ☐ Not applicable

4. Describe the status of the surveillance program (i.e., surveys, wipe tests, quality control) at the present time and the expected status at the time that control is to be transferred.

A. Description of the status of all surveillance program:

All surveillance program items as outlined in Materials License No. 49-17605-04, including surveys, inventories and wipe tests are up to date as of 07/16/2012.

- B. Surveillance Items & Records: calibrations, leak tests, surveys, inventories, and accountability requirements will be current at the time of transfer

☒ Yes ☐ No (explain)

5. Confirm that all records concerning the safe and effective decommissioning of the facility will be transferred to the transferee or to NRC, as appropriate. These records include documentation of surveys of ambient radiation levels and fixed and/or removable contamination, including methods and sensitivity.

Records transferred to:

☒ New licensee ☐ NRC for license termination ☐ Not applicable

6. Confirm that the transferee will abide by all constraints, conditions, requirements and commitments of the transferor or that the transferee will submit a complete description of the proposed licensed program.

Westmoreland Kemmerer, Inc. will abide by all constraints, conditions,
(transferee company)
requirements and commitments of Chevron Mining Inc.
(transferor company)

Thomas W. Kasper
Signature/Title
Transferee Official *General Counsel*

July 16, 2012
date

David L. Anderson
Signature/Title
Transferor Official *V. P. Finance*

7/16/12
date

OR

- ☐ Description of proposed licensed program from transferee attached (with signature)

OR

- ☐ Not applicable (name change only)

Steven J. Yantzi
Certifying Officer - Signature

Steven J. Yantzi Radiation Safety Officer
Certifying Officer - Typed name and title

7-17-12
Date

Customer: This service area is provided for your internal use and convenience. Service must be marked on airbill.

FedEx Service:

Extre

Page 1 of 1

From: (307) 877-9431
Steve Yantzi

Origin ID: OGDA

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Express



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City hall Complex # 10, Hwy 233

Kemmerer, WY 83101

SHIP TO: (817) 200-1189

BILL SENDER

ATTN: DNMS Licensing Assistant
US NRC Region IV
1600 East Lamar Boulevard

ARLINGTON, TX 76011

Ship Date: 18JUL12
ActWgt: 1.0 LB
CAD: 103988348/NET3300

Delivery Address Bar Code



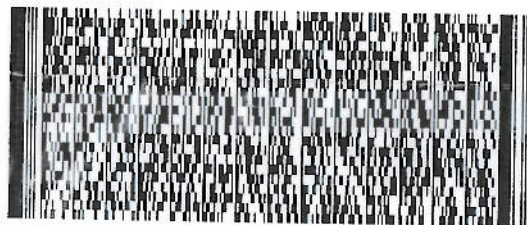
Ref # NRC
Invoice #
PO #
Dept #

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15577895

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DATE

07/20/2012

NAME AND ADDRESS OF APPLICANT AND/OR LICENSEE

Chevron Mining, Inc., - Kemmerer Mine
ATTN: Steven J. Yantzi
Radiation Safety Officer
P.O. Box 950
Kemmerer, Wyoming 83101

LICENSE NUMBER

49-17605-04

MAIL CONTROL NUMBER

577895

LICENSING AND/OR TECHNICAL REVIEWER

ch

This is to acknowledge the receipt of your:

☒ LETTER and/or ☐ APPLICATION

DATED: 07/17/2012

The initial processing, which included an administrative review, has been performed.

☒ AMENDMENT ☐ TERMINATION ☐ NEW LICENSE ☐ RENEWAL

- ☒ There were no administrative omissions identified during our initial review.
- ☐ This is to acknowledge receipt of your application for renewal of the material(s) license identified above. Your application is deemed timely filed, and accordingly, the license will not expire until final action has been taken by this office.
- ☐ Your application for a new NRC license did not include your taxpayer identification number. Please fill out NRC Form 531, located at the following link:

<http://www.nrc.gov/reading-rm/doc-collections/forms/nrc531.pdf>

Send the completed NRC Form 531, by facsimile, to the following number: (301) 415-5387

A copy of your action has been emailed to our License Fee and Accounts Receivable Branch, in our Headquarters office in Rockville, MD. You will be contacted separately if there is a fee issue involved.

Your application has been assigned the above listed **MAIL CONTROL NUMBER**. When calling to inquire about this action, please refer to this control number. Your application has been forwarded to a technical reviewer. Please note that the technical review, which is normally completed within 180 days for a renewal application (90 days for all other requests), may identify additional omissions or require additional information. If you have any questions concerning the processing of your application, our contact information is listed below:

Region IV
U. S. Nuclear Regulatory Commission
DNMS/NMSB - B
1600 E. Lamar Boulevard
Arlington, TX 76011-4511
(817) 200-1103 or (817) 200-1140

✓ 7/20

BETWEEN:

Accounts Receivable/Payable
and
Regional Licensing Branches

[FOR ARPB USE]
INFORMATION FROM LTS

Program Code: 03120
Status Code: Pending Amendment
Fee Category: 3P
Exp. Date: 10/31/2013
Fee Comments:
Decom Fin Assur Req: N

License Fee Worksheet - License Fee Transmittal

A. REGION

1. APPLICATION ATTACHED

Applicant/Licensee: CHEVRON MINING INC
Received Date: 07/19/2012
Docket Number: 3033273
Mail Control Number: 577895
License Number: 49-17605-04
Action Type: Amendment

2. FEE ATTACHED

Amount: _____

Check No.: _____

3. COMMENTS

Signed: Carl L. Heie

Date: 7/20/12

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered / /)

1. Fee Category and Amount: _____

2. Correct Fee Paid. Application may be processed for:

Amendment: _____

Renewal: _____

License: _____

3. OTHER _____

Signed: _____

Date: _____