

# ERP Federal Mining Complex, LLC

1044 Miracle Run Road Fairview, West Virginia 26570 · PHONE (304) 368-9904

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February 5, 2016

John J. Miller  
Health Physicist  
US Nuclear Regulatory Commission, Region I  
ATTN: DNMS  
2100 Renaissance Boulevard, Suite 100  
King of Prussia, PA 19406

J.4

47-23053-01  
03020218

RE: Request for Transfer of NRC License from:  
Eastern Associated Coal, LLC to ERP Federal Mining Complex, LLC


Dear Mr. Miller:

In response to our phone conversation on 1-13-2016, I wish to submit the requested transfer information along with the signed transfer agreement whereby both Eastern Associated Coal, LLC and ERP Federal Mining Complex, LLC have requested transfer of specific NRC Licenses previously issued to Eastern Associated Coal, LLC a subsidiary of Patriot Coal Corporation. As you may know, ERP Environmental Fund, Inc. did not acquire all assets of Patriot Coal Corporation and its subsidiaries and as such only those specific license acquired by ERP Federal Mining Complex, LLC are listed in this request.

Information provided in this request for transfer is being submitted as outlined in NUREG 1556, Vol15, Rev. 1, Section 5. We do understand that the request for transfer will be posted on the NRC website for public comment with a 30 day comment period.

If there should be any questions or need for additional information please do not hesitate to contact me at [kdaniel@erpfuels.com](mailto:kdaniel@erpfuels.com) or by phone at 304-369-8132.

Sincerely,



Kenny Daniel  
Sr. Permitting Engineer

590399

## APPENDIX F INFORMATION NEEDED FOR TRANSFER OF CONTROL APPLICATION

Include a contact name and either NRC regional office or Headquarters telephone numbers for follow-up information, as required.

**NRC Region:** Region 1 **Contact:** Vincent Donato  
**Telephone:** (304) 368 - 9985 **Email:** vdonato@erpfuels.com

### Information Needed for Transfer of Control Definitions:

**Control:** Control of a license is in the hands of the person or persons who are empowered to decide when and how that license will be used. That control is to be found in the person or persons who, because of ownership or authority explicitly delegated by the owners, possess the power to determine corporate policy and thus the direction of the activities under the license.

**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.

Licensees must provide full information and obtain the NRC's **prior written consent** before transferring control of the license. Provide the following information concerning changes of control by the applicant (transferor and/or transferee, as appropriate). If any items are not applicable, so state.

1. Describe any planned changes in the organization, including, but not limited to transfer of stocks or assets and mergers, change in members on Board of Directors, etc.). Provide the new licensee name, mailing address, and contact information, including phone numbers. Clearly identify when the amendment request is due to a name change only.

***Change of ownership due to Chapter 11 Bankruptcy Reorganization of Patriot Coal Corporation. There are no changes requested for location or usage of devices. The new licensee name is:***

***ERP Federal Mining Complex, LLC  
1044 Miracle Run Road  
Fairview, WV 26570***

2. Describe any changes in personnel or duties that relate to the licensed program. Include training and experience for new personnel, and any changes in the training program.  
***No changes are proposed for the training program.***
3. Describe any changes in the location, facilities, equipment, radiation safety program, use, possession, and waste management, or other procedures that relate to the licensed program.  
***No changes in the location, facilities, equipment, radiation safety program, use, possession, and waste management are proposed.***

4. Describe the status of the licensee's facilities, equipment, and radiation safety program, including any known contamination and whether decontamination will occur prior to transfer. Include the status of calibrations, leak tests, area surveys, wipe tests, training, quality control and related records.

***All facilities, equipment, and radiation safety program have been maintained throughout the bankruptcy by Patriot and all files will be procured and maintained by ERP Federal Mining Complex, LLC. This includes calibrations, leak tests, area surveys, wipe tests, training, quality control, and related records.***

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

***All records concerning the safe and effective decommissioning of the facility will be transferred from Eastern Associated Coal, LLC to ERP Federal Mining Complex, LLC including documentation of surveys of ambient radiation levels and fixed and/or removable contamination, including methods and sensitivity.***

6. Confirm that both transferor and transferee agree to transferring control of the licensed material and activity, and the conditions of transfer, and that the transferee has been made aware of any open inspection items and its responsibility for possible resulting enforcement actions.

***Eastern Associated Coal, LLC and ERP Federal Mining Complex, LLC agree to transferring control of the licensed material and activity, and the conditions of transfer, and that the ERP Federal Mining Complex, LLC has been made aware of any open inspection items and its responsibility for possible resulting enforcement actions.***

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

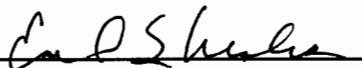
***ERP Federal Mining Complex, LLC will abide by all constraints, conditions, requirements, representations, and commitments of Eastern Associated Coal, LLC.***

**List of devices and location to be transferred from Eastern Associated Coal, LLC to ERP Federal Mining Complex, LLC currently associated with NRC Specific License 47-23053-01 and General License GL-651445:**

NRC License No.	Location	Device	
		Model	Make and Serial No.
47-23053-01	Federal #2	CBX	CB HI (CQM) 840066
GL-651445	Federal #2	SA1-C5	Ronan EE821
GL-651445	Federal #2	SA1-C5	Ronan EE822
GL-651445	Federal #2	SA1-C5	Ronan EE823
GL-651445	Federal #2	SA1-C5	Ronan EE824
GL-651445	Federal #2	5201	TX NUCLEAR B-328

Signatures:

Eastern Associated Coal, LLC Name/Title Earl L. Moles / Attorney-In-Fact

Signature  Date 1-19-16

ERP Federal Mining Complex, LLC Name/Title Kenny Daniel / Attorney-In-Fact

Signature  Date 2/5/16

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

February 15, 2016, and to inform you that the initial processing which includes an administrative review has been performed.

☒ Amendment (47-23053-01) 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

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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** 590399.  
When calling to inquire about this action, please refer to this control number.  
You may call us on (610) 337-5398, or 337-5260.