

Hill, Carol

**From:** Lively, Thomas <tlively@westmoreland.com>  
**Sent:** Wednesday, June 05, 2019 10:05 AM  
**To:** Hill, Carol  
**Cc:** Torres, Roberto; Valentin-Rodriguez, Celimar  
**Subject:** [External\_Sender] Westmoreland Kemmerer Transfer of Control  
**Attachments:** Westmoreland\_Transfer\_Of\_Control\_License\_Amendment\_KemOpsLLC\_060519.pdf  
**Importance:** High

Ms. Hill,

Good morning. Please find attached an application for amendment to our U.S. NRC license #49-17605-04. Our company is currently in the process of being transferred through bankruptcy court to a newly formed company named Kemmerer Operations, LLC. The transfer/sale has not yet been completed and a lot of information is still not known. I am notifying you now to obtain prior written consent to the transfer of control of our nuclear license and radioactive material. I was informed that this signed pdf document was sufficient for this process. If I need to mail you the original document, I will be happy to mail it.

Please let me know if you have any questions.

Sincerely,

Thomas Lively

**Thomas Lively**  
Coal Quality Coordinator/RSO  
[tlively@westmoreland.com](mailto:tlively@westmoreland.com)

## **WESTMORELAND KEMMERER, LLC**

***Kemmerer Mine***  
P.O. Box 950  
Kemmerer, WY 83101  
Tel 307 828 2221  
Cell 307 871 9643  
Fax 307 877 9089

### **PUBLIC**

- ☐ Immediate Release  
☒ Normal Release

### **NON-PUBLIC**

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

Reviewer: *RLC* Date: 6-19-19



# WESTMORELAND KEMMERER, INC.

P. O. Box 950, Kemmerer, WY 83101

Phone: (307)828-2200 • Toll Free: (855) 922-6463 [www.westmoreland.com](http://www.westmoreland.com)

June 5, 2019

Nuclear Materials licensing Branch  
U.S. Nuclear Regulatory Commission, Region IV  
1600 E. Lamar Boulevard  
Arlington, TX 76011-4511

Dear Licensing Official,

Good morning. Enclosed is our application for amendment to our U.S. NRC license #49-17605-04. Our company is currently in the process of being transferred to a newly formed company through bankruptcy court named Kemmerer Operations, LLC. The sale/transfer has not yet been completed and a lot of information is still not known and in the hands of the court. We are notifying you now to obtain prior written consent to the transfer of control of our nuclear license and radioactive material.

Redacted ATT  
6-19-19  
Not applicable

Please let me know if you need more information or have questions with this amendment. I can be reached at [tlively@westmoreland.com](mailto:tlively@westmoreland.com) or by phone 307-828-2221.

Sincerely,

Thomas Lively  
Coal Quality Coordinator/RSO  
Kemmerer Mine

No 612490

**Information Needed for Transfer of Control Application Submitted in Connection with NRC License No. 49-17605-04**

NRC Region: Region 4

Contact: The contact for questions will be Thomas Lively, Radiation Safety officer – (307) 828-2221. The contact for questions relating to the new corporate structure is not known at this time.

**Information Needed for Transfer of Control**

**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.**

Westmoreland Kemmerer, LLC is currently in the process of being transferred to a newly formed company through bankruptcy court named Kemmerer Operations, LLC. The contact for questions will be Thomas Lively, Radiation Safety officer – (307) 828-2221. The contact for questions relating to the new corporate structure has not been determined as the sale has not yet been completed.

**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.**

There will be no changes to the personnel or duties listed in the current license.

**3. Describe any changes in the location, facilities, equipment, radiation safety program, use, possession, waste management, or other procedures that relate to the licensed program.**

There are currently no planned changes in location, facilities, equipment, radiation safety program, use, possession, waste management, or other procedures that relate to the licensed program.

**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 site contamination surveys are current, and there is no known contamination where work with licensed material is performed. All surveillance items and records (e.g., calibrations, leak tests, area surveys, wipe tests, training and related records) are current and will be current at the time of the transfer of control. All surveillance items and records will be maintained at the same location by the Thomas Lively, RSO.

**5. If current decommissioning funding plans (DFP) will be changed as a result of the transfer, the revised DFP should be submitted. If other financial assurance documents will be changed as a result of the transfer, confirm that all financial assurance instruments associated with the license will be held in the transferee's name before the license is transferred, and as required by 10 CFR 30.35(f), the licensee must, within 30 days, submit financial instruments reflecting such changes.**

No changes to the financial assurance instrument will be required as a result of this transaction.

16 6 1 2 4 9 0

**6. 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, including documentation of surveys of ambient radiation levels and fixed and/or removable contamination, including methods and sensitivity, will be maintained at the same location by Thomas Lively, RSO.

**7. 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.**

There are no known open radioactive materials inspection items or any resulting enforcement actions.

**8. 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.**

Kemmerer Operations, LLC. agrees to abide by all commitments and representations previously made to NRC set forth in NRC License No. 49-17605-04.

**9. The transferee, in the case of fuel cycle facilities, shall provide documentation showing that it is financially qualified to conduct normal operations. The information can be in the form of income statements and balance sheet forecasts.**

Not applicable as the transferee is not a fuel cycle facility.

No 6 1 2 4 9 0





ACKNOWLEDGEMENT - RECEIPT OF CORRESPONDENCE

<b>Name and Address of Applicant and/or Licensee</b>  Thomas J. Lively Radiation Safety Officer Westmoreland Kemmerer, Inc. P.O. Box 950 Kemmerer, Wyoming 83101	<b>Date</b> 06/18/2019
	<b>License Number(s)</b> 49-17605-04
	<b>Mail Control Number(s)</b> 612490
	<b>Licensing and/or Technical Reviewer or Branch</b> C. Hill

This is to acknowledge receipt of your: ☒ Letter and/or ☐ Application Dated: 06/05/2019

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 complete and submit NRC Form 531, Request for Taxpayer Identification Number, located at the following link: <http://www.nrc.gov/reading-rm/doc-collections/forms/nrc531.pdf>  
Follow the instructions on the form for submission.

☐ The following administrative omissions have been identified:

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

✓ 6/18

BETWEEN:

Accounts Receivable/Payable  
and  
Regional Licensing Branches

[ FOR ARPB USE ]  
INFORMATION FROM WBL

Program Code: 03120  
Status Code: Pending Amendment  
Fee Category: 3P  
Exp. Date: 03/31/2024  
Fee Comments:  
Decom Fin Assur Req'd: N

## License Fee Worksheet - License Fee Transmittal

### A. REGION

#### 1. APPLICATION ATTACHED

Applicant/Licensee: Westmoreland Kemmerer, Inc.  
Received Date: 06/05/2019  
Docket Number: 3033273  
Mail Control Number: 612490  
License Number: 49-17605-04  
Action Type: Amendment

#### 2. FEE ATTACHED

Amount: \_\_\_\_\_

Check No.: \_\_\_\_\_

#### 3. COMMENTS

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

### 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: \_\_\_\_\_