

**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

CONVERSATION RECORD

TIME CALLED

DATE CALLED

Emailed August 1, 2011

01:44 pm CST.

August 1, 2011

NAME OF PERSON(S) CONTACTED

Robert Dyer
Radiation Safety Officer

ORGANIZATION

Peabody Midwest Mining, LLC

TELEPHONE NO.

O: (812) 434-8537

SUBJECT

License No.: 13-26785

Control No.: **575114**

SUMMARY

This refers to your letter dated May 4, 2011 (with attachment) and the phone conversation between Robert Dyer and Mike Herr on August 1, 2011.

In your letter dated May 4, 2011 you requested that we change Item No. 8 on your NRC Material license to reduce your inventory of analyzers and to remove a location of use from License Condition No. 10. Section 8.52 of NUREG 1556, Vol. 4, dated October 1998, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses," requires that records of leaking source be maintained for decommissioning purposes. Please provide the latest leak test records for the analyser that you transferred to the manufacturer. Also provide the history of this device in regards to any indications of its leaking.

We also require information about the disposition of the analyzer. Please submit an appropriately dated and signed acknowledgement of receipts from the recipients/vendors for the device.

NUREG 1556 Vol. 4, dated October 1998, can be found on our website at:

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

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Upon receipt of your response we will resume our review, Address your written response to my attention at the above address and please be sure to reference Control No. 575114 to facilitate proper handling in our office. As a reminder, please provide the information requested in writing, accompanied by a transmittal letter appropriately dated and signed by a senior management official.

ACTION REQUIRED

Please submit the requested information in 3 days (August 4, 2011) by referencing control number **575114** 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.

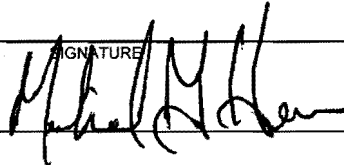
PLEASE DIRECT ANY QUESTIONS YOU MAY HAVE TO MICHAEL G. HERR, CHP at 630-829-9752 OR AT (800) 522-3025, EXT. 9752.

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Michael G. Herr, CHP



August 1, 2011
