



**PEABODY MIDWEST MINING, LLC**

7100 Eagle Crest Boulevard  
Evansville, Indiana 47715  
812.434.8500

Certified Mail 7003 0500 0002 4291 9369  
Return Receipt Requested

October 19, 2012

Materials Licensing Branch  
U.S. Nuclear Regulatory Commission, Region III  
2443 Warrenville Road, Suite 210  
Lisle, IL 60532-4352

**RE: Materials License Renewal  
Peabody Midwest Mining LLC – Bear Run Prep  
License # 13-15133-05**

To whom it may concern:

Please find enclosed a completed NRC Form 313 with attachments. Also enclosed is a copy of the current license which expires on Dec. 31, 2012. We hereby request a renewal of Materials License 13-15133-05.

If you have any questions, please contact me at [rpendleton@peabodyenergy.com](mailto:rpendleton@peabodyenergy.com) or 812-467-1920.

Sincerely,

Robert Pendleton  
Authorized Representative

Enclosures

c: Bear Run Prep NRC file  
Randy Bowman

RECEIVED OCT 24 2012

**NRC FORM 313**  
(05-2012)  
10 CFR 30, 32, 33,  
34, 35, 36, 39, and 40

**U.S. NUCLEAR REGULATORY COMMISSION**

**APPROVED BY OMB: NO. 3150-0120**

**EXPIRES: (05/31/2015)**

**APPLICATION FOR MATERIALS LICENSE**

Estimated burden per response to comply with this mandatory collection request: 4.3 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 Information Services Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NE0B-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, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

**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:**

OFFICE OF FEDERAL & STATE MATERIALS AND ENVIRONMENTAL MANAGEMENT PROGRAMS  
DIVISION OF MATERIALS SAFETY AND STATE AGREEMENTS  
U.S. NUCLEAR REGULATORY COMMISSION  
WASHINGTON, DC 20555-0001

**ALL OTHER PERSONS FILE APPLICATIONS AS FOLLOWS:**

**IF YOU ARE LOCATED IN:**

ALABAMA, CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, FLORIDA, GEORGIA, KENTUCKY, MAINE, MARYLAND, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, NORTH CAROLINA, PENNSYLVANIA, PUERTO RICO, RHODE ISLAND, SOUTH CAROLINA, TENNESSEE, VERMONT, VIRGINIA, VIRGIN ISLANDS, OR WEST VIRGINIA,

**SEND APPLICATIONS TO:**

LICENSING ASSISTANCE TEAM  
DIVISION OF NUCLEAR MATERIALS SAFETY  
U.S. NUCLEAR REGULATORY COMMISSION, REGION I  
2100 RENAISSANCE BOULEVARD, SUITE 100  
KING OF PRUSSIA, PA 19406-2713

**IF YOU ARE LOCATED IN:**

ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN,  
**SEND APPLICATIONS TO:**

MATERIALS LICENSING BRANCH  
U.S. NUCLEAR REGULATORY COMMISSION, REGION III  
2443 WARRENVILLE ROAD, SUITE 210  
LISLE, IL 60532-4352

ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, HAWAII, IDAHO, KANSAS, LOUISIANA, MISSISSIPPI, 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 BRANCH  
U.S. NUCLEAR REGULATORY COMMISSION, REGION IV  
1600 E. LAMAR BOULEVARD  
ARLINGTON, TX 76011-4511

**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)

- A. NEW LICENSE
- B. AMENDMENT TO LICENSE NUMBER \_\_\_\_\_
- C. RENEWAL OF LICENSE NUMBER 13-15133-05

2. NAME AND MAILING ADDRESS OF APPLICANT (Include ZIP code)

Peabody Midwest Mining, LLC  
7100 Eagle Crest BLVD.  
Evansville, IN 47715

3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED

See attachment A.

4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION

Dan Pilcher

BUSINESS TELEPHONE NUMBER  
(812) 467-1925

BUSINESS CELLULAR TELEPHONE NUMBER  
(618) 926-3310

BUSINESS EMAIL ADDRESS  
[dpilcher@peabodyenergy.com](mailto:dpilcher@peabodyenergy.com)

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. LICENSE FEES (See 10 CFR 170 and Section 170.31)

FEE CATEGORY AMOUNT ENCLOSED \$

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

Dan Pilcher

SIGNATURE



DATE

10/15/12

**FOR NRC USE ONLY**

TYPE OF FEE	FEE LOG	FEE CATEGORY	AMOUNT RECEIVED	CHECK NUMBER	COMMENTS
			\$		
APPROVED BY				DATE	

APPLICATION FOR RENEWAL  
OF MATERIAL LICENSE 13-15133-05

**ATTACHMENT A**

PAGE 1 OF 2

ITEM	APPLICANT RESPONSE
3	<p><b>The existing license authorizes use of licensed material at the following location:</b></p> <p>Bear Run Mine Preparation Plant 7255 East County Road 600 South Carlisle, IN 47838</p>
5	<p><b>The existing license authorizes possession of the following materials:</b></p> <p>A. Californium-252, sealed source, 5 sources not to exceed 16.1 millicuries total B. Cesium-137, sealed source, 1 source not to exceed 10.5 millicuries total.</p>
6	<p><b>Sub-items 5A &amp; 5B:</b> To be used in a Thermo Gamma Metrics Model CB-HI bulk elemental analyzer to measure the elemental composition of bulk solid materials; up to two additional sources may be possessed for source exchange.</p>
7	<p><b>Individuals responsible for radiation safety program at each facility:</b></p> <p>Dan Pilcher, Regional Radiation Safety Officer. Randy Bowman, Alternate Radiation Safety Officer.</p> <p><b>Training:</b></p> <p>Before using licensed materials, authorized users will have successfully completed one of the training courses described in Criteria in the section entitled "Authorized Users" in NUREG-1556, Volume 4, Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Fixed Gauge Licenses, dated October 1998.</p>
8	<p><b>Training for individuals working in or frequenting restricted areas:</b></p> <p>Before working in or frequenting restricted areas, individuals will have successfully completed one of the training courses described in Criteria in the section entitled "Authorized Users" in NUREG-1556, Volume 4, Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Fixed Gauge Licenses, dated October 1998.</p>

APPLICATION FOR RENEWAL  
OF MATERIAL LICENSE 13-15133-05

**ATTACHMENT A**  
PAGE 2 OF 2

ITEM	APPLICANT RESPONSE
9	<p><b>Facilities and Equipment:</b></p> <p>The applicant will ensure that the location of the bulk elemental analyzer meets the Criteria in the section entitled "Facilities and Equipment in NUREG-1556, Vol. 4, dated October 1998.</p>
10	<p><b>Radiation Safety Program:</b></p> <p><b>Surveys:</b> Surveys pursuant to 10CFR 20.1501 will be performed by a person specifically authorized by the NRC or an Agreement State to perform these surveys.</p> <p><b>Survey Instruments:</b> Each survey meter will be calibrated by the manufacturer or other person authorized by the NRC or an Agreement State to perform survey meter calibrations</p> <p><b>Material Receipt and Accountability:</b> Physical inventories will be conducted at intervals not to exceed 6 months or at other intervals approved by the NRC, to account for all sealed sources and devices received and possessed under the license.</p> <p><b>Operating &amp; Emergency Procedures:</b> Operating and emergency procedures will be developed, implemented, maintained, and distributed, and will meet the Criteria in the section entitled "Radiation Safety Program-Operating Emergency Procedures," in NUREG 1556, Vol. 4, dated August 1998.</p> <p><b>Leak Test:</b> The applicant will implement the model leak test program published in Appendix M to NUREG 1556, Vol. 4, dated October 1998.</p> <p><b>Routine Maintenance:</b> The applicant will implement and maintain procedures for routine maintenance of bulk elemental analyzer according to manufacturer's or distributor's written recommendations and instructions.</p> <p><b>Non-Routine Maintenance:</b> The bulk elemental analyzer manufacturer, distributor or other person authorized by NRC on an Agreement State will perform non-routine operations such installation, initial radiation survey, repair, and maintenance of components related to the radiological safety of sealed sources, alignment, or removal of the device from service.</p>
11	<p><b>Waste Management:</b></p> <p>The applicant will develop, implement, and maintain gauge transfer and disposition procedures in its radiation protection program.</p>



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
2443 WARRENVILLE ROAD, SUITE 210  
LISLE, IL 60532-4352

MAR 23 2012

Dan Pilcher  
Radiation Safety Officer  
Bear Run Coal Company, LLC  
7100 Eagle Crest Blvd., Suite 100  
Evansville, IN 47715

Dear Mr. Pilcher:

Enclosed is Amendment No. 09 to your NRC Material License No. 13-15133-05 in accordance with your request. Please note that the changes made to your license are printed in **bold font**.

As we discussed with you by telephone on March 6, 2012, Condition 24 regarding the Financial Assurance requirement is not applicable to your license; therefore, it has been removed.

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any questions or errors, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate answers and corrections.

You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in the General Statement of Policy and Procedure for NRC Enforcement Actions. Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

In accordance with Title 10 Code of Federal Regulations 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>.

Sincerely,

A handwritten signature in black ink that reads "Frank P.D. Tran".

Frank P.D. Tran  
Materials Licensing Branch

License No. 13-15133-05  
Docket No. 030-32790

Enclosure: Amendment No. 09

**MATERIALS LICENSE**

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 36, 39, 40, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations, and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

<p style="text-align: center;">Licensee</p> <p>1. Bear Run Coal Company, LLC</p> <p>2. 7100 Eagle Crest Boulevard Suite 100 Evansville, IN 47715</p>	<p>In accordance with the letter dated <b>January 9, 2012,</b></p> <p>3. License number 13-15133-05 is amended in its entirety to read as follows:</p> <hr/> <p>4. Expiration date December 31, 2012</p> <hr/> <p>5. Docket No. 030-32790 Reference No.</p>
--	---

<p>6. Byproduct, source, and/or special nuclear material</p> <p>A. Californium-252</p> <p>B. Cesium-137</p>	<p>7. Chemical and/or physical form</p> <p>A. Sealed sources registered either with NRC under 10 CFR 32.210 or with an Agreement State and incorporated in a compatible gauging device as specified in Item 9 of this license.</p> <p>B. Sealed sources registered either with NRC under 10 CFR 32.210 or with an Agreement State and incorporated in a compatible gauging device as specified in Item 9 of this license.</p>	<p>8. Maximum amount that licensee may possess at any one time under this license</p> <p>A. Five sources, not to exceed 16.1 millicuries total.</p> <p>B. One source, not to exceed 10.5 millicuries total.</p>
---	---	---

9. Authorized use:

A. Three sources may be installed in a Thermo Gamma Metrics Model CB-HI bulk material elemental analyzer to measure the elemental composition of bulk solid materials; up to two additional sources may be possessed for source exchange.

A. and B. To be possessed in Thermo Gamma Metrics Model CB-HI bulk material elemental analyzer to measure the elemental composition of bulk solid materials.

**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**License Number  
13-15133-05Docket or Reference Number  
030-32790**Amendment No. 09**CONDITIONS

10. Licensed material shall be used only at the licensee's facilities located at Bear Run Mine preparation plant located at 7255 East County Road 600 South, Carlisle, Indiana.
11. Licensed material shall be used by, or under the supervision of individuals who have received the training described in the facsimile letter dated October 8, 2002, and in the letter dated January 28, 2010 (with attachments). The licensee shall maintain records of individuals designated as users for 3 years following the last use of licensed material by the individual.
12. A. The Radiation Safety Officer (RSO) for this license is **Dan Pilcher**.  
B. The Alternate Radiation Safety Officer for this license is Randy Bowman.
13. A. Sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State.  
B. Notwithstanding Paragraph A of this condition, sealed sources designed to primarily emit alpha particles shall be tested for leakage and/or contamination at intervals not to exceed 3 months.  
C. In the absence of a certificate from a transferor indicating that a leak test has been made within the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State, prior to the transfer, a sealed source received from another person shall not be put into use until tested and the test results received.  
D. Sealed sources need not be tested if they contain only hydrogen-3; or they contain only a radioactive gas; or the half-life of the isotope is 30 days or less; or they contain not more than 100 microcuries of beta and/or gamma emitting material or not more than 10 microcuries of alpha emitting material.  
E. Sealed sources need not be tested if they are in storage and are not being used. However, when they are removed from storage for use or transferred to another person, and have not been tested within the required leak test interval, they shall be tested before use or transfer. No sealed source shall be stored for a period of more than 10 years without being tested for leakage and/or contamination.  
F. The leak test shall be capable of detecting the presence of 0.005 microcurie (**185 becquerels**) of radioactive material on the test sample. If the test reveals the presence of 0.005 microcurie (**185 becquerels**) or more of removable contamination, a report shall be filed with the U.S. Nuclear Regulatory Commission in accordance with 10 CFR 30.50(c)(2), and the source shall be removed immediately from service and decontaminated, repaired, or disposed of in accordance with Commission regulations.  
G. Tests for leakage and/or contamination, limited to leak test sample collection shall be performed by persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services. The licensee is not authorized to perform the analysis. Analysis of leak test samples must be performed by persons specifically licensed by the Commission or an Agreement State to perform such services.

**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**License Number  
13-15133-05Docket or Reference Number  
030-32790**Amendment No. 09**

- H. Records of leak test results shall be kept in units of microcuries and shall be maintained for 3 years.
14. Sealed sources containing licensed material shall not be opened or sources removed from source holders by the licensee, except as specifically authorized.
15. The licensee shall conduct a physical inventory every 6 months, or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sealed sources and/or devices received and possessed under the license. Records of inventories shall be maintained for 5 years from the date of each inventory, and shall include the radionuclides, quantities, manufacturer's name and model numbers, and the date of the inventory.
16. A. Each gauge shall be tested for the proper operation of the "on-off" mechanism (shutter) and indicator, if any, at intervals not to exceed 6 months or at such longer intervals as specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR 32.210 or the equivalent regulations of an Agreement State.
- B. Notwithstanding the periodic "on-off" mechanism (shutter) and indicator test, the requirement does not apply to gauges that are stored, not being used, and have the shutter lock mechanism in a locked position. The gauges exempted from this periodic test shall be tested before use.
17. The following services shall not be performed by the licensee: installation, initial radiation surveys, relocation, removal from service, dismantling, alignment, replacement, disposal of the sealed source and non-routine maintenance or repair of components related to the radiological safety of the gauge (i.e., the sealed source, the source holder, source drive mechanism, "on-off" mechanism (shutter), shutter control, shielding). These services shall be performed only by persons specifically licensed by the U.S. Nuclear Regulatory Commission or an Agreement State to perform such services.
18. The licensee may initially mount a gauge if permitted by the certificate of registration issued by the U.S. Nuclear Regulatory Commission or an Agreement State and under the following conditions:
- A. the gauge must be mounted in accordance with written instructions provided by the manufacturer;
- B. the gauge must be mounted in a location compatible with the "Conditions of Normal Use" and "Limitations and/or Other Considerations of Use" in the certificate of registration issued by the U.S. Nuclear Regulatory Commission or an Agreement State;
- C. the "on-off" mechanism (shutter) must be locked in the "off" position, if applicable, or the source must be otherwise fully shielded;
- D. the gauge must be received in good condition (i.e., package was not damaged); and
- E. the gauge must not require any modification to fit in the proposed location.

Mounting does not include electrical connection, activation or operation of the gauge. The source must remain fully shielded and the gauge may not be used until it is installed and made operational by a person specifically licensed by the U.S. Regulatory Commission or an Agreement State to perform such operations.



**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**License Number  
13-15133-05Docket or Reference Number  
030-32790**Amendment No. 09**

19. A. The licensee may maintain, repair, or replace device components that are not related to the radiological safety of the device containing byproduct material and that do not result in the potential for any portion of the body to come into contact with the primary beam or in increased radiation levels in accessible areas.
- B. The licensee may not maintain, repair, or replace any of the following device components: the sealed source, the source holder, source drive mechanism, "on-off" mechanism (shutter), shutter control, or shielding, or any other component related to the radiological safety of the device, except as provided otherwise by specific condition of this license.
20. Prior to initial use and after installation, relocation, dismantling, alignment, or any other activity involving the source or removal of the shielding, the licensee shall assure that a radiological survey is performed to determine radiation levels in accessible areas around, above, and below the gauge with the shutter open. This survey shall be performed only by persons authorized to perform such services by the U.S. Regulatory Commission or an Agreement State.
21. The licensee shall operate each device containing licensed material within the manufacturer's specified temperature and environmental limits such that the shielding and shutter mechanism of the source holder are not compromised.
22. The licensee shall assure that the shutter mechanism of each device is locked in the closed position during periods when a portion of an individual's body may be subject to the direct radiation beam. The licensee shall review and modify, as appropriate, its "lock-out" procedures whenever a new device is obtained to incorporate the device manufacturer's recommendations.
23. Except for maintaining labeling as required by 10 CFR Part 20, or 71, the licensee shall obtain authorization from the U.S. Nuclear Regulatory Commission before making any changes in the sealed source, device or source-device combination that would alter the description or specifications as indicated in the respective certificate of registration issued either by the Commission pursuant to 10 CFR 32.210 or by an Agreement State.
24. The licensee is authorized to transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."
25. The licensee shall develop, implement, maintain and distribute operating and emergency procedures that meet the Criteria in the section entitled "Radiation Safety Program - Operating and Emergency Procedures," in NUREG-1556, Volume 4, dated October 1998.

**MATERIALS LICENSE  
SUPPLEMENTARY SHEET**License Number  
13-15133-05Docket or Reference Number  
030-32790**Amendment No. 09**

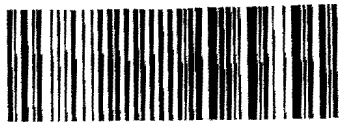
26. Except as specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed below. The U.S. Nuclear Regulatory Commission's regulations shall govern unless the statements, representations, and procedures in the licensee's application and correspondence are more restrictive than the regulations.
- A. Application dated June 20, 2002;
  - B. Facsimile letters dated October 8, 2002 (except Central Ohio Coal Company Notification Procedure Emergency Involving Nuclear Devices) and May 21, 2010;
  - C. Letters dated January 28, 2005, March 11, 2005, March 14, 2005, March 29, 2005, January 28, 2010 (with attachments), and **January 9, 2012**; and,
  - D. Letter received March 22, 2005.

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Date MAR 9 8 2012

By

  
Patricia J. Pelke  
Materials Licensing Branch  
Region III



7003 0500 0002 4291 9369



Master

016H26524021

\$06.800

10/19/2012

Mailed From 47715

US POSTAGE

# First Class Mail

## Peabody ENERGY

7100 Eagle Crest Boulevard  
Suite 200  
Evansville, Indiana 47715

Material Licensing Branch  
U.S. Nuclear Regulatory Commission, Region III  
2443 Warrenville Road, Suite 210  
Lisle, IL 60532-4352

