

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED:

*Rebody Midwest Mining LLC
7100 Eagle Crest Blvd
EVANSVILLE, IN 47715*

2. NRC/REGIONAL OFFICE

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

REPORT NUMBER(S) 13-01

3. DOCKET NUMBER(S)

030-34405

4. LICENSE NUMBER(S)

13-26785-01

5. DATE(S) OF INSPECTION

7/31/13

LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, to exercise discretion, were satisfied.

Non-cited violation(s) were discussed involving the following requirement(s):

- 4. During this inspection, certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited in accordance with NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.
(Violations and Corrective Actions)

Statement of Corrective Actions

I hereby state that, within 30 days, the actions described by me to the Inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

TITLE	PRINTED NAME	SIGNATURE	DATE
LICENSEE'S REPRESENTATIVE			
NRC INSPECTOR	E.L. Kulzer	<i>E. L. Kulzer</i>	<i>7/31/13</i>
BRANCH CHIEF	<i>David T. McCraw</i>	<i>[Signature]</i>	<i>8/12/13</i>

Docket File Information**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

1. LICENSEE/LOCATION INSPECTED:

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

REPORT NUMBER(S) 13-01

2. NRC/REGIONAL OFFICE

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

3. DOCKET NUMBER(S)

030-34405

4. LICENSE NUMBER(S)

13-26785-01

5. DATE(S) OF INSPECTION

7/31/2013

6. INSPECTION PROCEDURES USED

IP 87124

7. INSPECTION FOCUS AREAS

03.01 through 03.07

SUPPLEMENTAL INSPECTION INFORMATION

1. PROGRAM CODE(S)

3120

2. PRIORITY

5

3. LICENSEE CONTACT

Dan Pilcher

4. TELEPHONE NUMBER

(812) 467-1925

 Main Office Inspection Next Inspection Date: 7/31/2013 Field Office Inspection Oakland City and Francisco, Indiana Temporary Job Site Inspection _____**PROGRAM SCOPE**

The inspection was conducted at the following facilities: Somerville Central Mine, RR #3, Oakland City, IN and Francisco Mine, County Road 850 East, Francisco, Indiana.

At the Sumerville Mine location, the licensee possessed a Sabia Model XC- 25gauge, containing Californium-252; and a Texas Nuclear Model 5202 containing Cs-137. The Sabia gauges were used to analyze the chemical composition of coal. The Texas Nuclear gauge was used for density measurements.

At the Francisco, IN location the licensee possessed: a Gamma-Metrics Bulk Mineral analyzer Model 2000 and three generally licensed Texas Nuclear Model 5201 Gauges.

Gauges are leak tested at six-month and three-year frequencies in accordance with manufacturers specifications. Inventories and shutter checks are performed at required frequencies.

The licensee is not authorized to remove and/or relocate gauges. The gauges are relocated, removed, etc. by the manufacturer. The licensee does not perform any service or maintenance activities on its gauges; these services are performed by the manufacturer.

PERFORMANCE OBSERVATIONS

The inspector observed an authorized user and the RSO demonstrate implementation of lock-out procedures , the licensee posted areas as required, and how leak tests and shutter checks were performed. The inspector also checked vendor leak test records to ensure that the number of Californium -252 sources and the make and model number of devices containing licensed material are documented on the records are authorized by the NRC License 13-26785-01. The inspector determined that the violations from the previous inspection were resolved.