

# ERP Environmental Fund, Inc.

P. O. Box 305 · MADISON, WEST VIRGINIA 25130 · PHONE (304) 369-6780

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February 5, 2016

J-4

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

RE: Request for Transfer of NRC License from:  
Hobet Mining, LLC to ERP Environmental Fund, Inc.

47-23023-01  
03020185

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 Hobet Mining, LLC and ERP Environmental Fund, Inc. have requested transfer of specific NRC Licenses previously issued to Hobet Mining, 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 Environmental Fund, Inc. 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

REC'D IN LAT. 2/12/16

590401  
NMSS/RGN1 MATERIALS-002

## 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: Michael Henderson  
Telephone: (304) 369 - 8308 Email: mhenderson@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 Environmental Fund, Inc.  
P.O. Box 305  
Madison, WV 25130***

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.  
***Michael Henderson will replace Kenny Daniel as RSO. RSO training certificate is attached for Mr. Henderson. No other 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 Environmental Fund. 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 Hobet Mining, LLC to ERP Environmental Fund, Inc. 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.  
***Hobet Mining, LLC and ERP Environmental Fund, Inc. agree to transferring control of the licensed material and activity, and the conditions of transfer, and that the ERP Environmental Fund, Inc. 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 Environmental Fund, Inc. will abide by all constraints, conditions, requirements, representations, and commitments of Hobet Mining, LLC.***

**List of devices and location to be transferred from Hobet Mining, LLC to ERP Environmental Fund, Inc. currently associated with NRC Specific License 47-23023-01:**

Location	Device	
	Model	Make and Serial No.
Beth Station	5202	TX NUCLEAR B-2136
Beth Station	5201	TX NUCLEAR B-2633
Beth Station	5201	TX NUCLEAR B-2673
Beth Station	5202	TX NUCLEAR B-2943
Beth Station	5202	TX NUCLEAR B-2944
Beth Station	5202	TX NUCLEAR B-5684
Beth Station	3500	COAL SCAN 16696
Mud River	3500	COAL SCAN 18514
Beth Station	BULK	GAMMAMET 108
Beth Station	CBX	GAMMAMET 861043

Signatures:

Hobet Mining, LLC Name/Title Earl L. Moles / Attorney-In-Fact

Signature  Date 1-19-16

ERP Environmental Fund, Inc. Name/Title Kenny Daniel / Attorney-In-Fact

Signature  Date 2/5/16

# *Certificate of Course Completion*

*This certifies that*

*Michael Henderson*

*has completed the SABIA, Inc  
Radiation Safety Officer  
Training Course*

*SABIA, Inc  
10911 Technology Place  
San Diego, CA 92127  
858-217-2200*

*John W. Hagley*

*Instructor*

*August 20, 2014*

*Date*

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

February 5, 2016, and to inform you that the initial processing which includes an administrative review has been performed.

Amendment (47-23023-01)  
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** 590401.  
When calling to inquire about this action, please refer to this control number.  
You may call us on (610) 337-5398, or 337-5260.