



Blackhawk Mining, LLC  
100 Technology Drive  
South Charleston, WV 25309

August 31, 2021

Juan Ayala  
[Juan.Ayala@nrc.gov](mailto:Juan.Ayala@nrc.gov)

US NRC Region I  
Division of Radiological Safety and Security  
Commerce Industrial, R&D and Academic Branch  
Electrical Engineer / Health Physicist

2100 Renaissance Blvd., Suite 100  
King of Prussia, PA 19406-2713

RE: 47-24809-01 License Renewal

Dear Mr. Ayala:

Thank you for talking to me this morning regarding the renewal of the referenced license. As discussed, the NRC's renewal notice for this license was sent to Mark Akers in care of Patriot Coal at a Scott Depot WV address. Patriot Coal went bankrupt in 2015 and no longer exists and the Scott Depot address is not connected to the current license holder; Rockwell Mining, LLC which is a subsidiary of Blackhawk Mining, LLC. Mr. Akers is not an employee of either one of these companies. NRC was notified in late 2015 of the transfer of the equipment and license. Regarding the issue of license renewal, per our conversation this morning, I am attaching NRC Form 313, attachments containing Items 5 through 11, and Rockwell's RSO's certificates of training. Please note that Blackhawk and its subsidiary companies participate in the e-billing program, so no payment is enclosed.

Please direct all future correspondence regarding this license to:

D. Edward Brown  
SVP & Chief Engineering Officer  
250 W. Main Street, Suite 2000  
Lexington, KY 40509  
Phone: 859-543-0515, Ext.505  
[ebrown@blackhawkmining.com](mailto:ebrown@blackhawkmining.com)

and if possible, copy

[kshort@blackhawkmining.com](mailto:kshort@blackhawkmining.com)

Should you have any questions regarding the above request please direct them to the undersigned at 304-340-1836 or to Mr. Brown.

Sincerely,



Kent R. DesRocher  
VP Engineering – WV  
Blackhawk Mining, LLC

cc: Ed Brown, via email  
Kelly Short, via email  
Erman Moore, via email



**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-6A10M), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to [Infocollect.Resource@nrc.gov](mailto:Infocollect.Resource@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NE08-10202 (3160-0120), 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 CURRENT VOLUMES OF THE NUREG-1556 TECHNICAL REPORT SERIES ("CONSOLIDATED GUIDANCE ABOUT MATERIALS LICENSES") FOR DETAILED INSTRUCTIONS FOR COMPLETING THIS FORM: <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/rs1556/>. SEND TWO COPIES OF THE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.

APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:  
 MATERIALS SAFETY LICENSING BRANCH  
 DIVISION OF MATERIAL SAFETY STATE TRIBAL AND RULEMAKING PROGRAMS  
 OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS  
 U.S. NUCLEAR REGULATORY COMMISSION  
 WASHINGTON, DC 20555-0001

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

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,

IF YOU ARE LOCATED IN:

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:

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

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.

<p>1 THIS IS AN APPLICATION FOR (Check appropriate item)</p> <p><input type="checkbox"/> A. NEW LICENSE</p> <p><input type="checkbox"/> B. AMENDMENT TO LICENSE NUMBER</p> <p><input checked="" type="checkbox"/> C. RENEWAL OF LICENSE NUMBER <u>47-2409-01</u></p>	<p>2 NAME AND MAILING ADDRESS OF APPLICANT (Include zip code)</p> <p><u>ROCKWELL MINING, LLC</u>  <u>250 W. MAIN STREET</u>  <u>LEXINGTON, KY 40507</u></p>
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<p>3 ADDRESS WHERE LICENSED MATERIALS WILL BE USED OR POSSESSED</p> <p><u>WELL / ROCKLICK PREPARATION PLANT</u>  <u>RT 85</u>  <u>Box 56</u>  <u>WHARTON, WV 25209</u></p>	<p>4 NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION</p> <p><u>D. EDWARD BROWN, SVP &amp; CHIEF ENGINEERING</u></p> <table border="1"> <tr> <td>BUSINESS TELEPHONE NUMBER</td> <td>BUSINESS CELLULAR TELEPHONE NUMBER</td> </tr> <tr> <td><u>859-543-0515</u></td> <td><u>859-576-4028</u></td> </tr> <tr> <td colspan="2">BUSINESS E-MAIL ADDRESS</td> </tr> <tr> <td colspan="2"><u>ebrown@blackhawkmining.com</u></td> </tr> </table>	BUSINESS TELEPHONE NUMBER	BUSINESS CELLULAR TELEPHONE NUMBER	<u>859-543-0515</u>	<u>859-576-4028</u>	BUSINESS E-MAIL ADDRESS		<u>ebrown@blackhawkmining.com</u>	
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<u>ebrown@blackhawkmining.com</u>									

<p>5 RADIOACTIVE MATERIAL</p> <p>a. Element and mass number, b. chemical and/or physical form; and c. maximum amount which will be possessed at any one time</p>	<p>6 PURPOSE(S) FOR WHICH LICENSED MATERIAL WILL BE USED</p>				
<p>8 TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS</p>	<p>7 INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING AND EXPERIENCE</p>				
<p>10 RADIATION SAFETY PROGRAM</p>	<p>9 FACILITIES AND EQUIPMENT</p>				
<p>12 LICENSE FEES (Fees required only for new applications, with few exceptions*)</p> <p>(See 10 CFR 170 and Section 170.31)</p> <p>* Amendments/Renewals that increase the scope of the existing license to a new or higher fee category will require a fee.</p>	<p>11 WASTE MANAGEMENT</p>				
<table border="1"> <tr> <td>FEE CATEGORY</td> <td><u>3P</u></td> <td>AMOUNT ENCLOSED \$</td> <td><u>0.00</u></td> </tr> </table>		FEE CATEGORY	<u>3P</u>	AMOUNT ENCLOSED \$	<u>0.00</u>
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PER THE DEBT COLLECTION IMPROVEMENT ACT OF 1996 (PUBLIC LAW 104-134), YOU ARE REQUIRED TO PROVIDE YOUR TAXPAYER IDENTIFICATION NUMBER. PROVIDE THIS INFORMATION BY COMPLETING NRC FORM 531: <https://www.nrc.gov/reading-rm/doc-collections/forms/nrc531info.html>

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, 37, 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

<p>CERTIFYING OFFICER - TYPED/PRINTED NAME AND TITLE</p> <p><u>D. EDWARD BROWN SVP &amp; CHIEF ENGINEERING</u>  <u>OFFICER - BLACKHAWK MINING, LLC</u></p>	<p>SIGNATURE</p> <p><i>[Signature]</i></p>	<p>DATE</p> <p><u>8-31-21</u></p>
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**FOR NRC USE ONLY**

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

**SUGGESTED FORMAT FOR PROVIDING INFORMATION REQUESTED IN  
ITEMS 5 THROUGH 11 OF  
U.S. NUCLEAR REGULATORY COMMISSION FORM 313**

**Items 5 and 6: Materials To Be Possessed and Proposed Uses**

Yes	No	Radionuclide	Manufacturer or Distributor Model No.	Quantity	Use as Listed on SSD Registration Certificate	Specify Other Uses Not Listed on SSD Registration Certificate
✓		Isotope (Specify):  CS-137 AM-241	Device manufacturer (or distributor) and model number:  COALSCAN 3500	Specify activity per source and number of gauges requested.	Yes <input type="checkbox"/> Specific description of the gauge use: ASH AND MOISTURE GAUGES FOR COAL QUALITY	<input checked="" type="checkbox"/> Not applicable  <input type="checkbox"/> Uses are:  (Submit safety analysis supporting safe use)
		Isotope (Specify):	Device manufacturer (or distributor) and model number:	Specify activity per source and number of gauges requested.	Yes <input type="checkbox"/> Specific description of the gauge use:	<input type="checkbox"/> Not applicable  <input type="checkbox"/> Uses are:  (Submit safety analysis supporting safe use)
		Isotope (Specify):	Device manufacturer (or distributor) and model number:	Specify activity per source and number of gauges requested.	Yes <input type="checkbox"/> Specific description of the gauge use:	<input type="checkbox"/> Not applicable  <input type="checkbox"/> Uses are:  (Submit safety analysis supporting safe use)
Is financial assurance required? If yes, submit evidence of financial assurance.						

**NOTE: Copy and attach additional pages as needed.**

**Items 7 through 11: Training and Experience,  
Facilities and Equipment, Radiation Safety Program,  
and Waste Disposal**

Item No. and Title	Suggested Response	Yes	Alternative Procedures Attached
7. Individual(s) Responsible For Radiation Safety Program and Their Training and Experience  7.1 Radiation safety officer Name: <u>ERMAN MOORE</u>	Documentation demonstrating the proposed radiation safety officer's training and experience (e.g., certificate of completion of the RSO's course and/or the authorized user's course).  <p align="center"><b>ATTACHED</b></p>	Submit applicable documentation.	
7. Individual(s) Responsible For Radiation Safety Program and Their Training and Experience  7.2 Authorized users	Before using licensed materials, authorized users will have successfully completed one of the training courses described in the "Criteria" part of the section titled, "Authorized Users" in NUREG-1556, Volume 4, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses."	<input type="checkbox"/>	<input type="checkbox"/>
8. Training for Individuals Working In or Frequenting Restricted Areas	The applicant is <i>not</i> required to and should not submit its training program for individuals who in the course of employment are likely to receive occupational doses of radiation in excess of 1 mSv (100 mrem) in a year (occupationally exposed workers) and ancillary personnel to the NRC for review during the licensing phase.	Need not be submitted with application.	



Item No. and Title	Suggested Response	Yes	Alternative Procedures Attached
10.3 Radiation Safety Program – Material Receipt and Accountability	<p>Physical inventories will be conducted every 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 style="text-align: center;"><b>AND</b></p> <p>We will develop, implement, and maintain procedures for ensuring accountability of licensed materials at all times.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10.4 Radiation Safety Program – Occupational Dose	<p>We will maintain, for inspection by the NRC, documentation demonstrating that unmonitored individuals are not likely to receive a radiation dose in excess of the limits in 10 CFR 20.1502(a).</p> <p style="text-align: center;"><b>OR</b></p> <p>We will provide and require the use of individual monitoring devices (dosimetry). All personnel dosimeters that require processing to determine the radiation dose will be processed and evaluated by a NVLAP-approved processor.</p>	<input checked="" type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>
10.5 Radiation Safety Program – Public Dose	<p>The applicant is <i>not</i> required to submit a response to the public dose section in a license application. This matter will be examined during NRC inspections.</p>	Need not be submitted with application.	
10.6 Radiation Safety Program – Operating, Emergency, and Security Procedures	<p>If the gauge meets one or more of the safety conditions specified in the "Discussion" part of Section 8.10.6, "Operating, Emergency, and Security Procedures," in NUREG-1556, Volume 4, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses," state the following: Operating, emergency, and security procedures will be developed, implemented, maintained, and distributed and will meet the criteria in Section 8.10.6, "Operating, Emergency, and Security Procedures," in NUREG-1556, Volume 4, Revision 1.</p> <p style="text-align: center;"><b>OR</b></p> <p>If each gauge requested does not meet any of the safety conditions specified in the "Discussion" part of Section 8.10.6, "Operating, Emergency, and Security Procedures," in NUREG-1556, Volume 4, Revision 1, provide your operating, emergency, security, and lock-out (if applicable) procedures.</p>	<input checked="" type="checkbox"/>  <input type="checkbox"/> Procedures Attached	<input type="checkbox"/>





Item No. and Title	Suggested Response	Yes	Alternative Procedures Attached
10.10 Radiation Safety Program – Fixed Gauges Used at Temporary Job Sites	<p>We will <u>not</u> use fixed gauges at temporary jobsites.</p> <p style="text-align: center;"><b>OR</b></p> <p>We will address the use of fixed gauges at temporary jobsites in our operating, emergency, and security procedures developed in accordance with the Criteria in Section 8.10.6, "Operating, Emergency, and Security Procedures," of NUREG-1556, Volume 4, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses." Copies of these procedures will be provided to all gauge users and will be available at all temporary jobsites.</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p> <p style="text-align: center;"><input type="checkbox"/></p>	<p style="text-align: center;"><input type="checkbox"/></p>
10.11 Radiation Safety Program – Security Program for Category 1 and Category 2 Radioactive Material	The applicant is <i>not</i> required to submit a response to the security program section in a license application. This matter will be examined during NRC inspections.	Need not be submitted with application.	
11. Waste Management – Gauge Disposal & Transfer	The applicant is <i>not</i> required to submit a response about waste management during the licensing process; however, the licensee should establish and include gauge transfer and waste disposal procedures in its radiation protection program.	Need not be submitted with application.	



**HUMBOLDT SCIENTIFIC, INC.**  
**RSO Certification**

***Erman Moore***

**HAS SUCCESSFULLY COMPLETED A CERTIFIED  
RADIATION SAFETY OFFICER COURSE**

Subjects included were:

*RSO Duties and Responsibilities*

*Radiation Safety Practices*

*Regulatory Requirements*

*Dose/Shielding Requirements*

*Accidents/Storage*

*Regulatory Guidance (NUREG-1556, Vol. 1)*

*Transportation/HAZMAT Requirements*

*Risk*

*ALARA*

*Radiation Measurement*

*Operating and Emergency Procedures*

*Calibration and Maintenance*


*Record Keeping*

Date of Training: **April 16, 2010**

Location: **Charleston, WV**

Certificate Number: **8667**

HAZMAT Expiration Date: **April 16, 2013**

  
\_\_\_\_\_  
Instructor: **Keith Earnshaw**  
Humboldt Scientific, Inc.  
551-D Pylon Drive  
Raleigh, NC 27606



**HUMBOLDT SCIENTIFIC, INC.**  
**HAZMAT TRAINING CERTIFICATION**

***Erman R. Moore, Jr.***

**HAS SUCCESSFULLY COMPLETED A HAZMAT REFRESHER COURSE,  
WHICH INCLUDED TRAINING AND TESTING ON THE TRANSPORTATION  
REQUIREMENTS OF PORTABLE MOISTURE/DENSITY GAUGES.**

Training Topics:

General Awareness

49CFR100-177

Training Requirements

Safety

Emergency Response

Commercial Truck/Air

Specific

Shipping Name

Packaging

Labeling

Marking

Shipping Papers

Driver

Inspection

Security

Bracing

Safety

Shipping Paper Location

Date of Training: **March 5, 2019**

Location: **Richmond, VA**

Certificate Number: **10343**

HAZMAT Expiration Date: **March 5, 2022**

  
\_\_\_\_\_  
Instructor: Keith Earnshaw

Humboldt Scientific, Inc.

2525 Atlantic Ave

Raleigh, NC 27604