



<b>NRC FORM 313</b> (10-13-2023) 10 CFR 30, 32, 33, 34, 35, 36, 37, 39, and 40		<b>U.S. NUCLEAR REGULATORY COMMISSION</b>		<b>APPROVED BY OMB: NO. 3150-0120</b>		<b>EXPIRES: 07/31/2026</b>	
		<b>APPLICATION FOR MATERIALS LICENSE</b>		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 FOIA, Library, and Information Collections Branch (T-6 A10M), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by email to <a href="mailto:Infocollections.Resource@nrc.gov">Infocollections.Resource@nrc.gov</a> , and the OMB Reviewer at: OMB Office of Information and Regulatory Affairs, (3150-0120), Attn: Desk Officer for the Nuclear Regulatory Commission, 725 17th Street NW, Washington, DC 20503; email: <a href="mailto:oir-submission@omb.eop.gov">oir-submission@omb.eop.gov</a> . The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the document requesting or requiring the collection displays a currently valid OMB control number.			
INSTRUCTIONS: SEE THE CURRENT VOLUMES OF THE NUREG-1556 TECHNICAL REPORT SERIES ("CONSOLIDATED GUIDANCE ABOUT MATERIALS LICENSES") FOR DETAILED INSTRUCTIONS FOR COMPLETING THIS FORM: <a href="http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/">http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/</a> . SEND ONE COPY OF THE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW.							
APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:  MATERIALS SAFETY AND TRIBAL LIAISON BRANCH DIVISION OF MATERIALS SAFETY, SECURITY, STATE AND TRIBAL PROGRAMS OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS 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 RADIOLOGICAL SAFETY AND SECURITY U.S. NUCLEAR REGULATORY COMMISSION, REGION I 475 ALLENDALE ROAD, SUITE 102 KING OF PRUSSIA, PA 19406-1415 <a href="mailto:R1DRSSMail.Resource@nrc.gov">R1DRSSMail.Resource@nrc.gov</a> *Note: The preferred method to submit NRC Form 313 is email. Any other document (e.g., financial assurance documents) should be sent via mail.				IF YOU ARE LOCATED IN:  ILLINOIS, INDIANA, IOWA, MICHIGAN, MINNESOTA, MISSOURI, OHIO, OR WISCONSIN, SEND APPLICATIONS TO:  MATERIALS LICENSING BRANCH DIVISION OF RADIOLOGICAL SAFETY AND SECURITY U.S. NUCLEAR REGULATORY COMMISSION, REGION III 2443 WARRENVILLE ROAD, SUITE 210 LISLE, IL 60532-4352 <a href="mailto:R3-DRSSMAIL.Resource@nrc.gov">R3-DRSSMAIL.Resource@nrc.gov</a> *Note: The preferred method to submit NRC Form 313 is email. Any other document (e.g., financial assurance documents) should be sent via mail.  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:  MATERIALS LICENSING BRANCH DIVISION OF RADIOLOGICAL SAFETY AND SECURITY U.S. NUCLEAR REGULATORY COMMISSION, REGION IV 1600 E. LAMAR BOULEVARD ARLINGTON, TX 76011-4511 <a href="mailto:R4licensing@nrc.gov">R4licensing@nrc.gov</a> *Note: The preferred method to submit NRC Form 313 is email. Any other document (e.g., financial assurance documents) should be sent via mail.			
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)  <input type="checkbox"/> A. NEW LICENSE  <input type="checkbox"/> B. AMENDMENT TO LICENSE NUMBER  <input checked="" type="checkbox"/> C. RENEWAL OF LICENSE NUMBER  47-25301-01				2. NAME AND MAILING ADDRESS OF APPLICANT (Include zip code)  Panther Creek Mining, LLC Attn: D. Edward Brown 250 West Main Street, Suite 2000 Lexington, KY 40507			
3. LIST ADDRESS AND/OR TEMPORARY JOB SITE (TJS) ADDRESS, WHERE LICENSED MATERIALS WILL BE USED OR POSSESSED  Panther Creek Mining, LLC. 5914 Cabin Creek Rd Eskdale, WV 25075				4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION  Philip N Kennedy  BUSINESS TELEPHONE NUMBER 304-595-0096  BUSINESS CELLULAR TELEPHONE NUMBER 304-993-5051  BUSINESS E-MAIL ADDRESS <a href="mailto:nkennedy@blackhawkmining.com">nkennedy@blackhawkmining.com</a>			
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 APPLICABLE <a href="#">LICENSING GUIDANCE</a> .							
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.			
8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.				7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING AND EXPERIENCE.			
10. RADIATION SAFETY PROGRAM.				9. FACILITIES AND EQUIPMENT.			
12. LICENSE FEES (Fees required only for new applications, with few exceptions*) (See 10 CFR 170 and Section 170.31) *Amendments/Renewals that increase the scope of the existing license to a new or higher fee category will require a fee.				11. WASTE MANAGEMENT.			
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: <a href="https://www.nrc.gov/reading-rm/doc-collections/forms/nrc531info.html">https://www.nrc.gov/reading-rm/doc-collections/forms/nrc531info.html</a> . FAX THE COMPLETED NRC FORM 531 TO (301) 415-6725.							
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.							
CERTIFYING OFFICER -- TYPED/PRINTED NAME AND TITLE  D. Edward Brown - Senior Vice President				SIGNATURE 		DATE  09/03/2024	
FOR NRC USE ONLY							
TYPE OF FEE	FEE LOG	FEE CATEGORY	\$ AMOUNT RECEIVED	CHECK NUMBER	COMMENTS		
APPROVED BY				DATE			

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

**RENEWAL**

Yes	No	Radioisotope	Manufacturer or Distributor Model No.	Quantity	Use As Listed On SSD Registration Certificate	Specify other Uses not Listed on SSD Certificate
		Cesium-137	Sealed Source manufacture or distributor & model number: <b>Troxler</b>  <b>model number: 3430</b>	Specify activity per source  and number of gauges  requested:  <b>8mCi (1)</b>	Yes [ X ]  Specific description of  the gauge use:  <b>Impoundment Lift</b>	[ X ] Not applicable
		Cesium-137	Sealed Source manufacture or distributor & model number: <b>TN Technologies</b>  <b>model number: 5202</b>	Specify activity per source  and number of gauges  requested:  <b>500mCi (1)</b>	Yes [ X ]  Specific description of  the gauge use:  <b>Plant Circuits</b>	[ X ] Not applicable
		Cesium-137	Sealed Source manufacture or distributor & model number: <b>TN Technologies</b>  <b>model number: 5201</b>	Specify activity per source  and number of gauges  requested:  <b>50mCi (1)</b>	Yes [ X ]  Specific description of  the gauge use:  <b>Plant Circuits</b>	[ X ] Not applicable
		Cesium-137	Sealed Source manufacture or distributor & model number: <b>TN Technologies</b>  <b>model number: 5202</b>	Specify activity per source  and number of gauges  requested:  <b>500mCi (2)</b>	Yes [ X ]  Specific description of  the gauge use:  <b>Plant Circuits</b>	[ X ] Not applicable

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

**RENEWAL**

7. Individual (s) Responsible For Radiation Safety Program and Their Training and Experience  7.1 Radiation safety officer: <b>Philip N Kennedy</b>	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).	Yes  [X]	Alternative procedures Not Applicable
7. Individual (s) Responsible For Radiation Safety Program and Their Training and Experience  7.2 Authorized User	Before using licensed materials, authorized users will have successfully completed the training courses described in the "Criteria" part of in the section entitled, "Authorized Users" in NUREG-1556, Volume 4, Revision 1, "Consolidated Guidance About Fixed Gauge Licenses."	Yes  [X]	Alternative Procedures Not Applicable
9. Facilities And Equipment	We will ensure that the location of each fixed gauge meets the criteria in Section 8.9, Facilities and Equipment," in NUREG-1556, Volume 4, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses."	Yes  [X]	Alternative Procedures Not Applicable
10.2 Radiation Safety Program - Monitoring Instruments	We will use instruments that meet the criteria in Section 8.10.2, Radiation Monitoring Instruments," in NUREG-1556, Volume 4, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses." Each radiation survey meter will be calibrated by the manufacture or other person authorized by the NRC or an Agreement State to perform radiation survey meter calibrations.	Yes  [X]	Alternative Procedures Not Applicable
10.3 Radiation Safety Program - Material Receipt and Accountability	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. We will develop, implement, and maintain procedures for ensuring accountability of licensed materials at all times.	Yes  [X]	Alternative Procedures Not Applicable
10.4 Radiation Safety Program - Occupational Dose	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)	Yes  [X]	Alternative Procedures Not Applicable
10.6 Radiation Safety Program - Operating, Emergency, and Security Procedures	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.	Yes  [X]	Alternative Procedures Not Applicable
10.7 Radiation Safety Program - Leak Tests	Leak tests will be performed at intervals approved by the NRC or an Agreement State and specified in the SSD Registration Certificate. Leak tests will be performed by an organization licensed by NRC or an Agreement State to provide leak testing services to other licensees; or using a leak test sample collection kit supplied by an organization licensed by the NRC or an Agreement State to provide leak test kits and/or sample analysis services to other licensees and according to the kit suppliers instruction. Records of leak test results will be maintained.	Yes  [X]	Alternative Procedures Not Applicable
10.8 Radiation Safety Program - Maintenance	<u>ROUTINE MAINTENANCE</u> We will implement and maintain procedures for routine maintenance of our gauges according to each manufactures' or distributor's written recommendations and instruction	Yes  [X]	Alternative Procedures Not Applicable
10.10 Radiation Safety Program - Fixed Gauges Used at Temporary Job Sites	We will not use fixed gauges at temporary job sites.	Yes  [X]	Not Applicable

# *Certificate of Course Completion*

*This certifies that*

*Philip N. Kennedy*

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

SABIA, Inc  
10919 Technology Place Ste A  
San Diego, CA 92127  
858-217-2200

*John W. Hogley*

Instructor

March 12-13, 2024

Date

# *Certificate of Course Completion*

*This certifies that*

*Kelly Duty*

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

SABIA, Inc  
10919 Technology Place Ste A  
San Diego, CA 92127  
858-217-2200

*John W. Hooley*

Instructor

March 12-13, 2024

Date