



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III

2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

AUG 02 2011

Robert Dyer
Radiation Safety Officer
Peabody Midwest Mining, LLC.
7100 Eagle Crest Blvd.
Evansville, IN 47715

Dear: Mr. Dyer

Enclosed is Amendment No. 09 to your NRC Material License No. 13-26785-01 in accordance with your request. Please note that the changes made to your license are printed in **bold font**.

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

In your correspondence to us dated May 4, 2011, you indicated that you wished to release for unrestricted use Farmersburg Mine, 5526 East French Drive, Pimento, Indiana. The NRC staff has reviewed your final status surveys, which consisted exposure rate and contamination surveys of the lab area. Based on its review, the staff has concluded that all licensable radioactive material has been removed from Farmersburg Mine, 5526 East French Drive, Pimento, Indiana, and residual radioactive material attributable to licensed activities does not exceed current NRC criteria.

Based on these conclusions no further remediation or actions with respect to NRC regulated material is required for Farmersburg Mine, 5526 East French Drive, Pimento, Indiana and it is suitable for unrestricted use.

Please note that we removed License Condition Nos. 11. C as it appeared in your NRC Materials License. You will no longer be able to self-appoint Radiation Safety Officers (RSOs) as this condition previously allowed; the NRC must do that for you as part of the amendment process.

For future RSO changes please submit the name of the proposed RSO, his/her training and experience qualifications, a statement signed and dated by the proposed RSO that s/he accepts the position as RSO, and that s/he understands the duties and responsibilities associated with the RSO position.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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>.

R. Dyer

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael G. Herr', with a stylized flourish at the end.

Michael G. Herr, CHP
Materials Licensing Branch

License No. 13-26785-01
Docket No. 030-34405

Enclosure:

Amendment No. 09