



## HOBET MINING, LLC

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

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July 16, 2014

Licensing Assistance Team  
Division of Nuclear Materials Safety  
US Nuclear Regulatory Commission, Region I  
2100 Renaissance Boulevard, Suite 100  
King of Prussia, PA 19406-2713

*Br. 2*  
*03020185*

RE: Hobet Mining, LLC  
License No. 47-23023-01  
Renewal

Dear Sir:

Please find enclosed an application for Renewal of the above referenced License.

Should you have any questions or need additional information, I can be contacted at (304) 369-8132 or [kdaniel@archcoal.com](mailto:kdaniel@archcoal.com)

Sincerely,

Kenneth R. Daniel, P.E.  
Radiation Safety Officer

REC'D 10722 14M0741

REC'D IN LAT 7-22-14

*584431*  
NMSS/RGN1 MATERIALS-002



## 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 FOIA, Privacy, and Information Collections Branch (T-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by internet e-mail to [Infocollections.Resource@nrc.gov](mailto:Infocollections.Resource@nrc.gov), and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0120), 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 APPROPRIATE LICENSE APPLICATION GUIDE FOR DETAILED INSTRUCTIONS FOR COMPLETING APPLICATION. SEND TWO COPIES OF THE ENTIRE COMPLETED APPLICATION TO THE NRC OFFICE SPECIFIED BELOW. \*AMENDMENTS/RENEWALS THAT INCREASE THE SCOPE OF THE EXISTING LICENSE TO A NEW OR HIGHER FEE CATEGORY WILL REQUIRE A FEE.**

**APPLICATION FOR DISTRIBUTION OF EXEMPT PRODUCTS FILE APPLICATIONS WITH:**

OFFICE OF FEDERAL & STATE MATERIALS AND  
ENVIRONMENTAL MANAGEMENT PROGRAMS  
DIVISION OF MATERIALS SAFETY AND STATE AGREEMENTS  
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 NUCLEAR MATERIALS SAFETY  
U.S. NUCLEAR REGULATORY COMMISSION, REGION I  
2100 RENAISSANCE BOULEVARD, SUITE 100  
KING OF PRUSSIA, PA 19406-2713

**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

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:**

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.**

**1. THIS IS AN APPLICATION FOR (Check appropriate item)**

- ☐ A. NEW LICENSE  
☐ B. AMENDMENT TO LICENSE NUMBER  
☒ C. RENEWAL OF LICENSE NUMBER

47-23023-01

**2. NAME AND MAILING ADDRESS OF APPLICANT (Include ZIP code)**

Hobet Mining, LLC  
P.O. Box 305  
Madison, WV 25130-0305

**3. ADDRESS WHERE LICENSED MATERIAL WILL BE USED OR POSSESSED**

Route 119 S, Shaffer Road Exit  
Madison, WV 25130

**4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION**

Kenneth Daniel

BUSINESS TELEPHONE NUMBER  
(304) 369-8132

BUSINESS CELLULAR TELEPHONE NUMBER  
(304) 687-4139

BUSINESS EMAIL ADDRESS  
[kdaniel@patriotcoal.com](mailto:kdaniel@patriotcoal.com)

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 LICENSE APPLICATION GUIDE.

**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.**

**7. INDIVIDUAL(S) RESPONSIBLE FOR RADIATION SAFETY PROGRAM AND THEIR TRAINING EXPERIENCE.**

**8. TRAINING FOR INDIVIDUALS WORKING IN OR FREQUENTING RESTRICTED AREAS.**

**9. FACILITIES AND EQUIPMENT.**

**10. RADIATION SAFETY PROGRAM.**

**11. WASTE MANAGEMENT.**

**12. LICENSE FEES (Fees required only for new applications, with few exceptions\*)  
(See 10 CFR 170 and Section 170.31)**

FEE CATEGORY

AMOUNT  
ENCLOSED \$

**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

Michael Duvall, President

SIGNATURE

*Michael Duvall*

DATE

7/16/2014

**FOR NRC USE ONLY**

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

**Table B.1 Items 5 & 6: Materials To Be Possessed and Proposed Uses**

Yes	No	Radioisotope	Manufacturer or Distributor Model No.	Quantity	Use As Listed on SSD Certificate	Specify Other Uses Not Listed on SSD Certificate
	No	Cobalt-60	Sealed source manufacturer or distributor and model number:  Device manufacturer or distributor and model number:	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes [ ] Specific description of the gauge use:  	[ ] Not applicable [ ] Uses are:  (Submit safety analysis supporting safe use)
	No	Krypton-85	Sealed source manufacturer or distributor and model number:  Device manufacturer or distributor and model number:	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes [ ] Specific description of the gauge use:  	[ ] Not applicable [ ] Uses are:  (Submit safety analysis supporting safe use)
	No	Strontium-90	Sealed source manufacturer or distributor and model number:  Device manufacturer or distributor and model number:	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes [ ] Specific description of the gauge use:  	[ ] Not applicable [ ] Uses are:  (Submit safety analysis supporting safe use)
Yes		Cesium-137	Sealed source manufacturer or distributor and model number: <u>See Attached List</u> Device manufacturer or distributor and model number: <u>See Attached List</u>	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes [X] Specific description of the gauge use: <u>See Attached List</u>  	[X] Not applicable [ ] Uses are:  (Submit safety analysis supporting safe use)
Yes		Americium-241	Sealed source manufacturer or distributor and model number: <u>See Attached List</u> Device manufacturer or distributor and model number: <u>See Attached List</u>	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes [X] Specific description of the gauge use: <u>See Attached List</u>  	[X] Not applicable [ ] Uses are:  (Submit safety analysis supporting safe use)
Yes		Other Isotope (Specify): <b>Californium -252</b>	Sealed source manufacturer or distributor and model number: <u>See Attached List</u> Device manufacturer or distributor and model number: <u>See Attached List</u>	Not to exceed either the maximum activity per source or maximum activity per device as specified in Sealed Source and Device Registration Certificate	Yes [X] Specific description of the gauge use: <u>See Attached List</u>  	[X] Not applicable [ ] Uses are:  (Submit safety analysis supporting safe use)

*Financial Assurance Required and Evidence of Financial Assurance Provided*

## ITEM 5: RADIOACTIVE MATERIAL

Isotope	Activity	Device		Location	Use	Last Leak Test
		Model	Make and Serial No.			
Cs-137	132.45 mCi	5202	TX NUCLEAR B-2136	H23-B Heavy Media	Density	4/24/2014
Cs-137	65.86 mCi	5201	TX NUCLEAR B-2633	H23-B Slurry	Density	4/24/2014
Cs-137	66.23 mCi	5201	TX NUCLEAR B-2673	H23-A Slurry	Density	4/24/2014
Cs-137	169.28 mCi	5202	TX NUCLEAR B-2943	H23-A Course H.M.	Density	4/24/2014
Cs-137	170.43 mCi	5202	TX NUCLEAR B-2944	H23-A Fine H.M.	Density	4/24/2014
Cs-137	18.39 mCi	5202	TX NUCLEAR B-5684	H23-A Fine H.M.	Density	4/24/2014
Am-241	286.89 mCi	3500	COAL SCAN 16696	H23-Beth Station	Ash	4/24/2014
Cs-137	10.55 mCi	3500	COAL SCAN 16696	H23-Beth Station	Ash	4/24/2014
Am-241	292.31 mCi	3500	COAL SCAN 18514	H23-Mud River	Ash	4/24/2014
Cs-137	13.79 mCi	3500	COAL SCAN 18514	H23-Mud River	Ash	4/24/2014
Cf-252	2.54 ug	BULK	GAMMAMET 108	H23-Loadout	Analyzer	4/24/2014
Cf-252	1.31 ug	BULK	GAMMAMET 108	H23-Loadout	Analyzer	4/24/2014
Cf-252	2.96 ug	BULK	GAMMAMET 108	H23-Loadout	Analyzer	4/24/2014
Cf-252	2.87 ug	BULK	GAMMAMET 108	H23-Loadout	Analyzer	4/24/2014
Cf-252	5.77 ug	BULK	GAMMAMET 108	H23-Loadout	Analyzer	4/24/2014
Cf-252	5.84 ug	BULK	GAMMAMET 108	H23-Loadout	Analyzer	4/24/2014
Cs-137	5.78 mCi	BULK	GAMMAMET 108	H23-Loadout	Analyzer	4/24/2014
Cf-252	8.16 ug	CBA	GAMMAMET 861043	H23-Plant	Analyzer	4/24/2014
Cs-137	27.60 mCi	CBA	GAMMAMET 861043	H23-Plant	Analyzer	4/24/2014

### Total Possessed

Isotope	Activity
Cs-137	680.36 mCi
Am-241	579.20 mCi
Cf-252	15.80 mCi

**Table B.2 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	The present RSO (Kenneth R. Daniel) has successfully completed the training described in Criteria in the section entitled "Individual(s) Responsible for Radiation Safety Program and Their Training and Experience - Radiation Safety Officer" in the current version of NUREG-1556, Vol. 4.(See attached certificate)	[X]	[ ]
7.1 Radiation Safety Officer	<b>AND</b>		
Name: <b>Kenneth R. Daniel</b>	Before being named as the RSO, future RSOs will have successfully completed the training described in Criteria in the section entitled "Individual(s) Responsible for Radiation Safety Program and Their Training and Experience - Radiation Safety Officer" in the current version of NUREG-1556, Vol. 4. Within 30 days of naming a new RSO, we will submit the new RSO's name to NRC to include in our license.		
7. Individual(s) Responsible For Radiation Safety Program And Their Training And Experience	PROPOSED AUTHORIZED USERS: Kenneth R. Daniel and/or individuals, who have successfully completed the training described in Criteria in the section entitled, "Authorized Users" in the current version of NUREG-1556, Vol. 4.	[X]	[ ]
7.2 Authorized Users			
8. Training 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	We are not required to, and should not, submit our 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	
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 the current version of NUREG-1556, Volume 4, "Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Fixed Gauge Licenses."	[X]	[ ]
10. Radiation Safety Program - Audit Program	We are not required to, and should not, submit an audit program to the NRC for review during the licensing phase.	Need Not Be Submitted with Application	
10. Radiation Safety Program - Instruments	Surveys pursuant to 10 CFR 20.1501 will be performed by a person specifically authorized by the NRC or an Agreement State to perform these surveys.	[X]	[ ]
10. Radiation Safety Program - Material Receipt and Accountability	Physical inventories will be conducted at intervals not to exceed 6 months or at other intervals approved by the NRC, to account for all sealed sources and devices received and possessed under the license.	[X]	[ ]
10. Radiation Safety Program - Occupational Dosimetry	We will perform a prospective evaluation demonstrating that unmonitored individuals are not likely to receive, in one year, a radiation dose in excess of 10% of the allowable limits in 10 CFR Part 20.	[X]	[ ]
10. Radiation Safety Program - Public Dose	We are not required to submit a response to the public dose section during the licensing phase. This matter will be examined during NRC inspections	Need Not Be Submitted with Application	

Item No. and Title	Suggested Response	Yes	Alternative Procedures Attached
10. Radiation Safety Program - Operating & Emergency Procedures	Operating and emergency procedures will be developed, implemented, maintained, and distributed, and will meet the Criteria in the section entitled "Radiation Safety Program - Operating and Emergency Procedures," in the current version of NUREG-1556, Volume 4.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Radiation Safety Program - Leak Test	Leak tests will be performed at intervals approved by the NRC or an Agreement State and specified in the Sealed Source and Device Registration Certificate. Leak tests will be performed by an organization authorized by NRC or an Agreement State to provide leak testing services for other licensees or using a leak test kit supplied by an organization authorized by NRC or an Agreement State to provide leak test kits to other licensees and according to the kit supplier's instructions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Radiation Safety Program - Maintenance	<u>ROUTINE MAINTENANCE</u>  We will implement and maintain procedures for routine maintenance of our fixed gauges according to each manufacturer's or distributor's written recommendations and instructions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u>NON-ROUTINE MAINTENANCE OPERATIONS</u>  The gauge manufacturer, distributor or other person authorized by NRC or an Agreement State will perform non-routine operations such as installation, initial radiation survey, repair, and maintenance of components related to the radiological safety of the gauge, gauge relocation, replacement, and disposal of sealed sources, alignment, or removal of a gauge from service.	<input checked="" type="checkbox"/>	<input type="checkbox"/> The information listed in Appendix N supporting a request to perform non-routing operations in-house is attached
10. Radiation Safety Program - Transportation	We are not required to submit a response to transportation during the licensing process; this issue will be reviewed during inspection.	Need Not Be Submitted with Application	
10. Radiation Safety Program - Fixed Gauges Used at Temporary Job Sites	We will not use fixed gauges at temporary job sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Radiation Safety Program - Minimization of Contamination	Licensees must ensure the security and control of licensed material. The regulations in 10 CFR 20.1801 and 20.1802 require licensees to secure radioactive materials from unauthorized removal or access while in storage and to control and maintain constant surveillance over licensed material that is not in storage.	Need Not Be Submitted with Application	
11. Waste Management - Gauge Disposal & Transfer	We are not required to submit a response to waste management during the licensing process. However, the licensee should develop, implement, and maintain gauge transfer and disposal procedures in its radiation protection program.	Need Not Be Submitted with Application	



## CERTIFICATE OF RADIOLOGICAL TRAINING

*This is to certify that*

**Kenneth R. Daniel**

*has successfully completed the*

**8-HOUR RADIATION SAFETY OFFICER REFRESHER TRAINING  
AND INSTRUCTION AS REQUIRED BY NUREG-1556 ,  
VOLUME 4, APPENDIX G AND 49CFR 172, SUBPART H**

*presented by Applied Health Physics, Inc.*

*May 20<sup>th</sup>, 2013*

  
\_\_\_\_\_  
Todd Y. Mobley  
Director, Technical Services

\_\_\_\_\_  
May 20, 2013  
Date  
\_\_\_\_\_  
May 20, 2016  
DOT Subpart H Expiration Date

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

7-16-14, and to inform you that the initial processing which includes an administrative review has been performed.

☒ Renew: 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

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** 584431.  
When calling to inquire about this action, please refer to this control number.  
You may call us on (610) 337-5398, or 337-5260.