



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

November 19, 2021

Jonathan B. Pfingsten
Jonathan.Pfingsten@nrc.gov

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

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

RE: 47-24809-01 License Renewal – Your letter of November 5, 2021

Dear Mr. Pfingsten:

This letter is to provide a response to your correspondence of November 5, 2021 and to address outstanding issues regarding the renewal application for license 47-24809-01. Your letter contained four bullet items to which I am responding below:

- 1) Information Only, No Response Needed. – No response provided.
- 2) Materials to be Possessed and Proposed Uses – I am providing a revised application which denotes the activity source and the number of gauges, those being: 1 Coalscan 3500 device utilizing 20 mCi of Cs-137 and 300 mCi of Am-241.
- 3) Item 7.2, Individual(s) Responsible For Radiation Safety Program and Their Training and Experience – Authorized Users. – We have checked the box indicating authorized users will successfully complete a training course prior to use.
- 4) Item 10.8, Radiation Safety Program – Maintenance – License Condition 17.A. – Mr. Cecil Sharp is not currently an employee of Rockwell Mining, LLC and the current authorization for Cecil Sharp to perform any duties relative to this license should be removed.

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

REC-611122-21 PM1225

ebrown@blackhawkmining.com

and if possible, copy

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,

A handwritten signature in black ink, appearing to read "Kent R. DesRocher". The signature is fluid and cursive, with the first name "Kent" being more legible than the last name "DesRocher".

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

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

NRC FORM 313 (01-2020) 10 CFR 30, 32, 33, 34, 35, 36, 37, 39, and 40	U.S. NUCLEAR REGULATORY COMMISSION  APPLICATION FOR MATERIALS LICENSE	APPROVED BY OMB: NO. 3150-0120 EXPIRES: 01/31/2023 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 estimates to the Information Services Branch (7-6 A10M), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to InfoCollect.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 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/tafr/1556/. 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 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 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: 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) <input type="checkbox"/> A. NEW LICENSE <input type="checkbox"/> B. AMENDMENT TO LICENSE NUMBER <input checked="" type="checkbox"/> C. RENEWAL OF LICENSE NUMBER <u>47-24809-01</u>		2. NAME AND MAILING ADDRESS OF APPLICANT (Include zip code) ROCKWELL MINING LLC 250 W. MAIN STREET LEXINGTON, KY 40507			
3. ADDRESS WHERE LICENSED MATERIALS WILL BE USED OR POSSESSED WELLS / ROCKWELL PREPARATION PLANT RT 85 BOX 56 WHARTON, WV 25208		4. NAME OF PERSON TO BE CONTACTED ABOUT THIS APPLICATION D. EDWARD BROWN, SUP & CHIEF ENGINEERING OFFICER BUSINESS TELEPHONE NUMBER 859-543-0515 BUSINESS CELLULAR TELEPHONE NUMBER 859-576-4028 BUSINESS E-MAIL ADDRESS kshort@blackhawkmining.com edbrown@blackhawkmining.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			
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: 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.					
CERTIFYING OFFICER - TYPED/PRINTED NAME AND TITLE D. EDWARD BROWN SUP & CHIEF ENGINEERING OFFICER - BLACKHAWK MINING LLC		SIGNATURE <i>[Signature]</i> DATE 11/19/2021			
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: 1 COALWIN 3500	Specify activity per source and number of gauges requested. 20 mCi 300 mCi	Yes <input checked="" type="checkbox"/> Specific description of the gauge use: Ash and moisture gauge 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 ERMAN Name: <u>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). <div style="text-align: center; font-size: 1.5em;">ATTACHED</div>	Submit applicable documentation.	
7. Individual(s) Responsible For Radiation Safety Program and Their Training and Experience 7.2 uthorized 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 checked="" 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	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. AND We will develop, implement, and maintain procedures for ensuring accountability of licensed materials at all times.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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). OR 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.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
10.5 Radiation Safety Program – Public Dose	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.	Need not be submitted with application.	
10.6 Radiation Safety Program – Operating, Emergency, and Security Procedures	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. OR 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.	<input checked="" type="checkbox"/> <input type="checkbox"/> Procedures Attached	<input type="checkbox"/>

Item No. and Title	Suggested Response	Yes	Alternative Procedures Attached
10.7 Radiation Safety Program – Leak Tests	<p>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 the 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 supplier's instructions. Records of leak test results will be maintained.</p> <p style="text-align: center;">OR</p> <p>We will implement the model leak test program in Appendix I of NUREG-1556, Volume 4, Revision 1, "Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Fixed Gauge Licenses." Records of leak tests will be maintained.</p>	<p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/> For this item, checking this box indicates that alternative equipment and/or procedures will be provided as part of the application and that records of leak tests will be maintained.</p>
10.8 Radiation Safety Program – Maintenance	<p><u>ROUTINE MAINTENANCE</u> We will implement and maintain procedures for routine maintenance of our gauges according to each manufacturer's or distributor's written recommendations and instructions.</p> <p><u>NONROUTINE MAINTENANCE OPERATIONS</u> The gauge manufacturer, distributor, or other person authorized by the NRC or an Agreement State will perform nonroutine operations such as installation, initial radiation survey, repair and maintenance of radiological safety components, relocation, replacement, alignment, removal from service, and disposal of sealed sources.</p>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/> The information listed in Appendix J of this NUREG, "Information Needed to Support Applicant's Request to Perform Nonroutine Operations," is attached.</p>
10.9 Radiation Safety Program – Transportation	The applicant is <i>not</i> required to submit a response about transportation during the licensing process. The NRC will review this issue during inspection.	Need not be submitted with application.	

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 not use fixed gauges at temporary jobsites.</p> <p style="text-align: center;">OR</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><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><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. 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



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