



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

January 24, 2022

Karen Risner
Authorized Representative
Peabody Midwest Mining, LLC
566 Dickeyville Rd.
Lynnville, IN 47619

Dear Ms. Risner:

I have reviewed your letter dated November 29, 2021, requesting an amendment to U.S. Nuclear Regulatory Commission (NRC) Materials License No. 13-15133-05.

The NRC's guidance document for your type of license is NUREG-1556, Volume 4, Rev. 1, dated July 2016, "Consolidated Guidance About Materials Licenses: Program - Specific Guidance About Fixed Gauge Licenses." This guidance is available on the NRC Web site at: <https://www.nrc.gov/docs/ML1618/ML16188A048.pdf>

Upon review of your letter, I identified the following areas where additional or clarifying information is needed:

1. Section 8.7.1, "Radiation Safety Officer," of the guidance states that the appointed Radiation Safety Officer (RSO) must have adequate training and experience. This is necessary so that the RSO understands the hazards and is familiar with the regulations concerning the licensed radioactive material.

Your request did not include documentation demonstrating that the proposed RSO has attained training and experience with fixed gauging devices.

Submit documentation demonstrating that the proposed RSO has completed a fixed gauge manufacturer's course for users and RSOs, with hands-on experience. An equivalent course meeting the requirements of Appendix D, "Criteria for Acceptable Training for Authorized Users and Radiation Safety Officers," is also acceptable.

2. Section 8.7.1, "Radiation Safety Officer," of the guidance identifies that the RSO may delegate certain day-to-day tasks of the radiation protection program to other responsible individuals, sometimes referred to as "alternate RSOs" or "site RSOs."

Your request refers to the appointment of an "alternate RSO."

While no response to this item is necessary, please be advised of the following:

- The "alternate RSO," is not required to have attained training and experience equivalent to the RSO, but as a minimum must be qualified as an Authorized User of the types of fixed gauging devices that they are assigned with overseeing;
- Only the primary RSO is named on the U.S. NRC Materials License; and

- To ensure radiation workers are not provided with conflicting instructions, the "alternate RSO," should only act in the capacity of the RSO in the absence of the primary RSO.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) §2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made 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 <https://www.nrc.gov/reading-rm/adams.html>.

To continue review of your request, please submit your response to this letter within 15 calendar days. In your response, please refer to the license, docket, and control number specified below. I will assume that you do not wish to further pursue this licensing action if I do not receive a reply within the specified timeframe noted above.

If you have questions, require additional time to respond, or require clarification on any of the information stated above, I encourage you to contact me at (630) 829-9737 or via e-mail at Jason.Kelly@nrc.gov.

Sincerely,

Jason M. Kelly, MPH
Health Physicist
Materials Licensing Branch

Docket No.: 030-32790
License No.: 13-15133-05
Control No.: 629384