REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

October 2, 2009

Docket No. 03030008 License No. 47-24917-01
Control No. 144146

Kent DesRocher
General Manager
Apogee Coal Company, LLC
dba Arch of West Viirginia, Inc.
P.O. Box 156
Yolyn, WV 25654-0156

SUBJECT: APOGEE COAL COMPANY, LLC, LICENSE AMENDMENT, CONTROL NO. 144146

Dear Mr. DesRocher:

This refers to your license amendment request. Enclosed with this letter is the amended license.

Please review the enclosed document carefully and be sure that you understand and fully implement all the conditions incorporated into the amended license. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region I Office, Licensing Assistance Team, (610) 337-5239, so that we can provide appropriate corrections and answers.

An environmental assessment for this action is not required, since this action is categorically excluded under 10 CFR 51.22(c)(14).

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material;** then **Regulations, Guidance, and Communications.** You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

Thank you for your cooperation.

Sincerely,

Original signed by Jenny Johansen
Jenny Johansen
Health Physicist
Materials Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Amendment No. 11
cc:
Larry Dameron, Radiation Safety Officer

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SUNSI Review Complete: JJohansen

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