



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BOULEVARD, SUITE 100  
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

July 26, 2012

Docket No. 03030008  
Control No. 577911

License No. 47-24917-01

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

**SUBJECT: APOGEE COAL COMPANY, LLC, FILING FOR BANKRUPTCY AND  
NOTIFICATION REQUIREMENTS, CONTROL NO. 577911**

Dear Mr. DesRocher:

It has come to our attention that Patriot Coal Corporation, which is the parent company of Apogee Coal Company, LLC, has filed for bankruptcy under Chapter 11 of the US Bankruptcy Code. Apogee Coal Company maintains NRC License No. 47-24917-01.

Please note that NRC regulations in 10 CFR 30.34(h)(1) require that licensees that are the subject of a bankruptcy filing, immediately notify the NRC, in writing of the filing. The notification must include the information specified in the above regulation. The purpose of the regulations is to ensure that public health and safety is adequately protected and that all licensed material is properly controlled.

Please be reminded that even though Apogee Coal Company is involved in bankruptcy proceedings, its NRC license continues to remain in full effect even beyond its stated expiration date, until terminated in writing by the NRC. If the licensee no longer exists as an entity, the person with legal control of licensed material, contaminated equipment or property transferred by the licensee, is obligated to control all licensed material and to decontaminate and decommission the facilities or equipment, and to comply with applicable NRC requirements.

The bankruptcy filing does not relieve Apogee Coal Company of its responsibilities to comply with NRC requirements, including those relating to security and control of licensed material; decontamination and decommissioning of contaminated facilities, and retention of personnel required by the license conditions. You may not transfer control of your license without prior written approval of NRC, and you may not transfer licensed material except as authorized by the NRC regulations.

You should ensure that your attorney and any trustee involved in the bankruptcy proceedings are aware of these obligations and the related NRC requirements. Pursuant to Section 184 of the Atomic Energy Act, a reorganized entity emerging from Chapter 11 bankruptcy is required to receive written approval of NRC prior to its assumption of control over licensed activities.

Please notify this office immediately, in writing, if Apogee Coal Company is unable to meet any of these requirements/conditions. Also please notify this office: (1) of any changes to your licensed activities that the bankruptcy court may require, (2) when the bankruptcy proceeding is completed, and (3) when Apogee Coal Company emerges out of bankruptcy.

Because the regulations cited above require each licensee to provide the required notification, we request your assistance in providing to us the names, addresses and telephone numbers of any other entities who may be affected by the bankruptcy (i.e., other daughter companies of a bankrupt parent company, where the daughter has an NRC or Agreement State license).

We will continue to monitor your activities to ensure that all licensed material remains secure from unauthorized access/removal, and is being used in full compliance with all applicable requirements. Please call Sattar Lodhi of this office at (610) 337-5364 if you have any questions regarding this matter.

NRC Region I office has relocated to a new address. Please send all future correspondence related to your license, including the required notifications to:

US Nuclear Regulatory Commission, Region I  
Attn: DNMS  
2100 Renaissance Boulevard, Suite 100  
King of Prussia, PA 19406-2713

The telephone numbers of the Region I office remain unchanged.

Your cooperation is appreciated.

Sincerely,

***Original signed by Blake D. Welling***

Blake D. Welling, Chief  
Materials Security and Industrial Branch  
Division of Nuclear Materials Safety

cc:  
Eric Campbell, Radiation Safety Officer  
Vito Genna, Clerk of Court  
Barbara A. Ward, Assistant US Attorney  
State of West Virginia  
State of Missouri

K. DesRocher

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**SUNSI Review Complete: SLodhi**

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