



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

August 27, 2012

Docket No. 03030008  
Control No. 578103

License No. 47-24917-01

Kent R. DesRocher  
President  
Apogee Coal Company, LLC  
d/b/s Arch of West Virginia, Inc.  
P. O. Box 156  
Yolun, WV 25654

SUBJECT: PATRIOT COAL CORPORATION, ACCEPTANCE OF NOTIFICATION OF  
BANKRUPTCY FILING

Dear Mr. DesRocher:

This refers to the letter dated August 6, 2012, from Mark Akers of Patriot Coal Corporation notifying this office that on July 9, 2012, Patriot Coal Corporation filed for bankruptcy under Chapter 11 of the United States Bankruptcy Code, and that Apogee Coal Company, LLC is a subsidiary of Patriot Coal Corporation. The letter is accepted as the notification required by 10 CFR 30.34(h).

In our letter dated July 26, 2012 (enclosed), we reminded you of your responsibilities under the license and that this bankruptcy filing does not relieve Apogee Coal Company of its obligations to comply with NRC requirements, including those relating to security and control of licensed material; decontamination and decommissioning of contaminated facilities; and the retention of personnel required by NRC requirements [e.g. the Radiation Safety Officer (RSO), authorized users, etc.].

Please notify this office immediately, in writing, if you are unable to meet any of the requirements/conditions specified in the enclosed letter. 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 Patriot Coal Corporation emerges from bankruptcy. Please contact Sattar Lodhi of this office at (610) 337- 5364 if you have any questions or need information concerning the status of your licensed activities.

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/safety-culture.html>. We strongly encourage you to review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Current NRC regulations and guidance are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov);

select **Nuclear Materials; Medical, Med, Ind, & Academic Users**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. 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 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

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

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

Thank you for your cooperation.

Sincerely,

***Original signed by Craig Z. Gordon***

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

Enclosure:  
NRC Letter dated July 26, 2012

cc:  
Eric Campbell, Radiation Safety Officer  
Mark Akers, Director Environmental Compliance  
State of West Virginia  
State of Missouri

DISTRIBUTION (via e-mail) w/o enclosure:

- R. Lorson, RI
- K. Farrar, ORA/RI
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- S. Chidakel, OGC

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**SUNSI Review Complete: SLodhi**

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OFFICE	DNMS/RI	N	DNMS/RI	N	DNMS/RI			
NAME	SLodhi /SL/		BWelling /By CG Acting for BW/					
DATE	8/27/2012		8/28/12					