



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

May 2, 2013

Docket No. 03037225
Control No. 580408

License No. 47-31165-01

H. T. Coleman
Vice President, Safety and H.R.
Trinity Coal Corporation
DBA Frasure Creek Mining Deep Water Prep Plant
4978 Teays Valley Road
Scott Depot, WV 25560

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

Dear Mr. Coleman:

This refers to the letter dated April 2, 2013, notifying this office that on February 20, 2013, Trinity Coal Corporation filed for bankruptcy under Chapter 11 of the United States Bankruptcy Code. Your letter is accepted as the notification required by 10 CFR 30.34(h).

Please be reminded that this bankruptcy filing does not relieve Trinity Coal Corporation 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.].

If the RSO leaves your employ, you must first properly secure, dispose of, or transfer all licensed material, and you must inform NRC of this situation. If you need to close a building, you must first properly secure, dispose of, or transfer all licensed material that was in the building. Additionally, the license conditions, and the license remain in full effect even beyond the stated expiration date of the license, until terminated in writing by NRC, and inspections of your activities by the NRC will continue to occur.

You may not transfer control of your license or licensed material without prior written NRC approval, except as authorized by NRC regulations. You should ensure that your attorney and any trustee involved in the bankruptcy proceedings are aware of these obligations. Any person or entity who takes control of licensed activities or possession of the licensed material must first obtain an NRC license. Additionally, pursuant to Section 184 of the Atomic Energy Act, a reorganized entity emerging from Chapter 11 bankruptcy is required to receive written approval from NRC prior to assumption of control over licensed activities.

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 that may be affected by this bankruptcy filing (e.g., sister or daughter

company with an NRC or an Agreement State license).

Please notify this office immediately, in writing, if you are 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 Trinity Coal Corporation emerges from bankruptcy. Please contact Michael Reichard of this office at (610) 337-6945 if you have any questions or need information concerning the status of your licensed activities.

Current NRC regulations and guidance are included on the NRC's website at 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; 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).

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.

Thank you for your cooperation.

Sincerely,

Original signed by Blake D. Welling

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

cc:
Rick Simpkins, Radiation Safety Officer
State of West Virginia

DISTRIBUTION (via e-mail):

R. Lorson, RI

K. Farrar, ORA/RI

M. Burgess, FSME

S. Chidakel, OGC

DOCUMENT NAME: G:\WordDocs\Current\Lic Cvr Letter\L47-31165-01.580408.doc

SUNSI Review Complete: MReichardAfter declaring this document "An Official Agency Record" it will be released to the Public.

To receive a copy of this document, indicate in the box: "C" = Copy w/o attach/encl "E" = Copy w/ attach/encl "N" = No copy

OFFICE	DNMS/RI	N	DNMS/RI	N	DNMS/RI			
NAME	MReichard / MR /		BWelling / BW /					
DATE	5/2/13		5/2/2013					

OFFICIAL RECORD COPY