

January 30, 1997

Apogee Coal Company
d/b/a Arch of West Virginia
ATTN: Mr. Frank Simmons
Plant Manager
P.O. Box 156
Yolyn, West Virginia 25654

SUBJECT: NRC INSPECTION REPORT NO. 47-24917-01/97-01 AND NOTICE OF VIOLATION

Dear Mr. Simmons:

This refers to the inspection conducted on January 22, 1997, at your Yolyn, West Virginia facility. The purpose of the inspection was to determine whether activities authorized by the license were conducted safely and in accordance with NRC requirements. At the conclusion of the inspection, the findings were discussed with you.

The inspection was an examination of activities conducted under your license with respect to radiation safety and compliance with NRC regulations and the conditions of your license. It included selective examinations of procedures and representative records, interviews with personnel, and direct observations by the inspector.

Based on the results of this inspection, certain of your activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice).

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and any reply will be placed in the NRC Public Document Room.

9702100322 970130
PDR ADOCK 03030008
C PDR

11 IE07
JE04

Should you have any questions concerning this letter, please contact us.

Sincerely,

(original signed by
J. P. Potter)



John P. Potter, Chief
Materials Licensing/Inspection Branch 2
Division of Nuclear Materials Safety

Docket No. 030-30008
License No. 47-24917-01

Enclosure: Notice of Violation

cc w/encl:
State of West Virginia

Distribution w/encl:
PUBLIC
RII Docket File, DNMS

OFFICE	RII DNMS	RII DNMS				
SIGNATURE						
NAME	HBernudez	JPotter				
DATE	01 / 29 / 97	01 / 30 / 97	01 / / 97	01 / / 97	01 / / 97	01 / / 97
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

OFFICIAL RECORD COPY

DOCUMENT NAME: G:\DNMS\MLIB2\APOGEE.NOV