

NOTICE OF VIOLATION

Apogee Coal Company
Yolyn, West Virginia

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

During an NRC inspection conducted on January 22, 1997, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

Condition 11 of License No. 47-24917-01 identifies two specified individuals as Radiation Safety Officer (RSO) and alternate RSO, respectively.

Contrary to the above, between approximately Fall 1996 and January 22, 1997, neither individual was exercising the duties of the RSO. Specifically, both individuals left the company and the licensee had not replaced the RSO position nor amended its license to reflect an authorized RSO.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Apogee Coal Company is hereby required to submit a written statement or explanation to the Regional Administrator, Region II, with a copy to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or demand for information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Dated at Atlanta, Georgia
This 30th day of January 1997

Enclosure

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PDR ADOCK 03030008
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