

ARCH OF WEST VIRGINIA
A DIVISION OF APOGEE COAL COMPANY
P.O. BOX 156
YOLYN, WEST VIRGINIA 25654

February 18, 1997

United States Nuclear Regulatory Commission
Washington, D.C. 20555
Attn: Document Control Desk

Re: Reply to a Notice of Violation & License Amendment
Docket No. 030-30008
Materials License No. 47-24917-01
NRC Inspector: Mr. Hector Bermudas
NOV Issue Date: January 30, 1997

To Whom It May Concern:

Due to premature departures of the Radiation Safety Officer (RSO) and Alternate RSO (ARSO), Apogee Coal Company D/B/A Arch of West Virginia was not in compliance with Condition 11 and 12 of the Materials License No. 47-24917-01. The following information has been requested pursuant to the provisions of 10CFR 2.201. A license amendment is also included with necessary fees and amendment description.

Manufacturer Maintenance Agreements

Apogee Coal Company D/B/A Arch of West Virginia has maintenance agreements with both CoalScan, Inc. and Gamma Metrics. Both manufacturers agree to provide the following services: Equipment Repair, Two-Hour Response, Remote Diagnosis, Calibration Check, Parts Repair, Preventive Maintenance, Radiation Leakage Test, Configuration Control, Source Replenishment, Software Support, On-Site Response, 24 Hour Coverage, Gauge Relocation, and Gauge Removal From Service.

Training

Radiation safety training was provided to Timothy Toler (RSO), Tim Caserta (ARSO), Kenny Daniels, and James Singleton fulfilling NRC training requirements for a fixed gauge location. The training was given by Gamma Metrics of San Diego, California. All received six hours of training comprised of the following: (1) Introduction to Radiation, (2) Radiation Equipment Analyzation, (3) Radiation Instrumentation, (4) Nuclear Regulations, (5) Equipment

9702280104 970218
PDR ADOCK 03030008
C PDR

*Rec'd copy of chert addressed to Region II
of chert # 0414477 for \$300.00.*



110 1207

Operation, (6) Industrial Radiation Safety Procedures, (7) Biological Effects of Radiation, (8) Radiation Licensing, (9) and finally a review and a written test. All nine sessions were a mixture of lectures and laboratory work with participants having hands-on experience.

Training Date

The training for the RSO and ARSO was provided February 17, 1997.

License Amendment

Per conversations with Mr. Earl Wright, Senior License Reviewer, Apogee Coal Company D/B/A Arch of West Virginia is applying for an amendment to Materials License No. 47-24917-01. The amendment will allow full compliance with all regulations set forth by the Nuclear Regulatory Commission. The license amendment will include the following information:

Condition 11 "The Radiation Safety Officer (RSO) for this license is **Timothy Toler** or in his absence **Tim Caserta**, Alternate RSO."

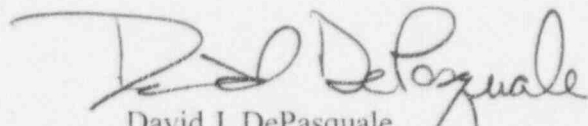
Condition 12 "Licensed material shall be used by, or under the supervision of, **Timothy Toler, Tim Caserta**, Tom Jeffrey, Paul Evans, Robert Fender, Dale Porter, Thurman Block, or James Singleton."

Included is a check in the amount of \$300.00 for the license amendment fee.

In the future, Apogee Coal Company D/B/A Arch of West Virginia will review and amend, if needed, the Materials License No. 47-24917-01 semi-annually. The license expiration date is June 30, 1997.

If any further questions or comments arise, please do not hesitate to contact me at (304) 792-8200. Thank you.

Sincerely,


David J. DePasquale
Senior Environmental Engineer

CC: Kent DesRocher
Frank Simmons