

June 18, 2007

US Nuclear Regulatory Commission  
Region I  
475 Allendale Road  
King of Prussia, PA 19406-1415

**Fola Coal Company, L.L.C.**

P.O. Box 180  
Bickmore, WV 25019

Phone: (304) 587-4100, Ext #315  
Fax: (304) 587-2469

**Bruce Hamrick**  
Manager of Safety

NMSB3

RECEIVED  
REGION 1  
2007 JUN 19 AM 10:31

Dear Sirs:

03033806

This letter is to notify you of a possible "change of control" as might be viewed by the US NRC, of specifically and generally licensed material presently used by the licensee Fola Coal Company, LLC under license #47-25325-01. The address of Fola Coal Company, L.L.C., as listed on the license is P.O. Box 180, Bickmore, WV 25019. This change of control may occur on or around August 01, 2007.

We regret the short time frame in which the status of this transaction will need to be decided. However, in an effort to provide the information required to make this determination, responses to Sections 5.1 through 5.6 of NUREG-1556, Vol.15 (Guidance About Changes of Control and About Bankruptcy Involving Byproduct, Source, or Special Nuclear Materials Licenses) have been provided below.

**Section 5.1 (Description of Transaction)**

- It is the intent of CONSOL Energy Inc. at 1800 Washington Road, Pittsburgh, PA 15241 to purchase one hundred percent of the common stock of AMVEST Corporation, located at One Boars Head Pointe, Charlottesville, VA 22903. One of AMVEST Corporation's indirect subsidiaries is the licensee, Fola Coal Company, L.L.C., at P.O. Box 180, Bickmore, WV 25019.
- The EIN (Employer Identification Number) of Fola Coal Company, L.L.C., is 54-1860378 and will not change. The name of the company and specifically the licensee contact(s) such as the RSO, names and phone numbers will not change.

**Section 5.2 (Changes of Personnel)**

- Mr. Bruce Hamrick, the RSO presently listed on the license, will remain the RSO. Individuals responsible for radiation safety or authorized to use licensed material will not change. No changes or license amendments, including the addition of new individuals, will be made.

**Section 5.3 (Changes of Location, Equipment & Procedures)**

- No change in personnel of Fola Coal Company, L.L.C., who now exercise control over the licensed program, is planned. No change in the material's locations of use, the facilities equipment as they may affect program safety, or procedures (i.e., operating or emergency procedures) involving the Radiation Protection Program, are planned.

140674

NMSS/RGN1 MATERIALS-002

**Section 5.4 (Surveillance Records)**

- All required, applicable surveillance items including a physical inventory and leak tests, have been performed, documented, and are attached.
- The surveillance program is current and will be current at the time of possible transfer.

**Section 5.5 (Decommissioning and Related Records Transfers)**

- All surveillance and other required records associated with this license will remain with and will continue to be maintained by Mr. Bruce Hamrick of Fola Coal Company, L.L.C., the RSO presently listed on the license.
- No contamination exists associated with those devices and sources listed on the attached physical inventory, as evidenced by the attached leak test documents.
- No decommissioning of any device or location associated with this license is planned.

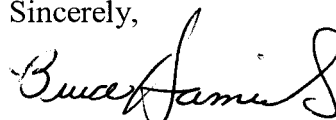
**Section 5.6 (Transferee's Commitment to Abide by the Transferor's Commitments)**

- Fola Coal Company, L.L.C., will, as has been the practice in the past, continue to abide by all constraints, license conditions, requirements, representations, and commitments identified in and attributed to the existing license.

In conclusion, we appreciate your help and cooperation in this matter and look forward shortly to a response from the NRC regarding this possible "change of control" of licensed materials. Should you have any questions or concerns, please contact me at the number listed above or Joe Richards from CONSOL Energy Inc. at (412) 831-4996.

Your help and cooperation is appreciated.

Sincerely,

  
RSO



2300 N. Yellowstone Hwy  
Idaho Falls, ID 83401  
Bus: 208-528-8878  
Fax: 208-528-8880

**Industrial Radiology Specialists**  
NRC License # 11-27727-01

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June 5, 2007

Fola Coal Company  
PO Box 180  
Bickmore, WV 25019

Attn: Bruce Hamrick  
Radiation Safety Officer

**LEAK TEST CERTIFICATES & SEMI-ANNUAL INVENTORY**

To meet the requirements of the U.S. NRC and Agreement States concerning semi-annual inventories of radioactive materials, the following radioactive sources are considered present and accounted for as per the leak test certificates.

Seven devices were leak tested (if necessary), inventoried, and shutter tested on May 25, 2007 at Fola Coal Company located in Bickmore, WV License No 47-25325-01.

Please find the attached inventory list and certificates (if necessary) to account for each device and removable contamination below allowable limits. Radiation survey sheets have also been attached.

Next leak test and inventory are due November 25, 2007. If you have any questions or concerns, please call myself at (304) 743-5942.

Sincerely,

John W. Hagley  
Sales and Application Engineer



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## Physical Inventory of Sealed Radioactive Sources

Site: Fola Coal Company

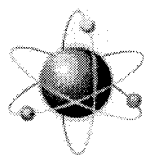
Page: 1 of 1

Date: May 25, 2007

Next Date Due: Nov 25, 2007

Inventoried by: John W. Hagley

Item #	Description	Sources	Source Serial Numbers	Amount	Shutter Test (if applicable)		Next Leak Test Due Date	Notes
					Pass	Fail		
1	Ohmart SR-A Overdense Circuit	Cs-137	0631GK	50 mCi	X		01/26/09	
2	Ohmart SR-A Heavy Media Cyclone	Cs-137	65599	100 mCi	X		01/26/09	
3	Ohmart SR-A Heavy Media	Cs-137	65967	100 mCi	X		01/26/09	
4	Berthold Ash Meter LB420	Cs-137 Am-241	1133-9-82 2580-10-94	30 mCi 300 mCi			11/25/07	
5	Gamma-Metrics Model 2000 Bulk Elemental Analyzer Blend Analyzer Loadout SN 109	Cs-137 Cf-252 Cf-252 Cf-252 Cf-252 Cf-252 Cf-252	Z-785 CF-Z1003 CF-Z1004 CF-Z1416 CF-Z1417 CF-Z2006 CF-Z2007	7.93 mCi 0.84 ug 0.88 ug 1.74 ug 1.76 ug 7.59 ug 7.67 ug			11/25/07	
6	Gamma-Metrics Model 2000 Bulk Elemental Analyzer Auger Analyzer SN 113	Cs-137 Cf-252 Cf-252 Cf-252 Cf-252 Cf-252 Cf-252	Z-787 CF-Z1489 CF-Z1490 CF-Z2008 CF-Z2009 CF-Z2986 CF-Z2987	6.95 mCi 3.61 ug 3.63 ug 11.06 ug 11.21ug 19.60 ug 19.41 ug			11/25/07	
7	Ohmart SH-F1B-0 Heavy Media Cyclone Plant 2	Cs-137	5188CM	100 mCi			01/26/09	



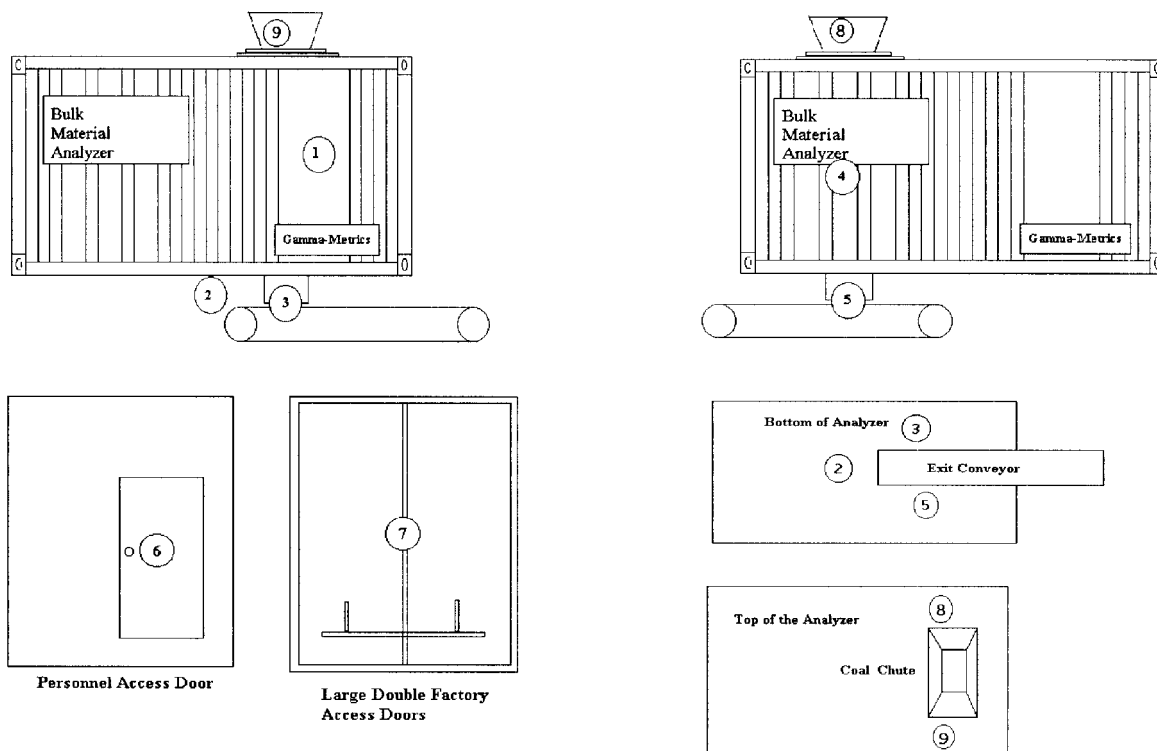
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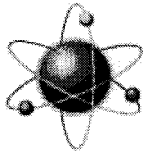
## Gamma-Metrics Model 2000 Radiation Survey Form



Date: 05-25-07 Analyzer SN# 113  
Location: Auger Performed by: John Hagley  
Source Serial Numbers: CF-Z1489, CF-Z1490, CF-Z2008, CF-Z2009, CF-2986, CF-Z2987

Loc	Stored		Stored Total*	Deployed		Deployed Total*
	Gamma*	Neutron*		Gamma*	Neutron*	
1	0.135	<0.1	< 0.235	0.290	<0.1	< 0.390
2	0.050	<0.1	< 0.150	0.132	<0.1	< 0.232
3	0.042	<0.1	< 0.142	0.132	<0.1	< 0.232
4	0.099	<0.1	< 0.199	0.301	<0.1	< 0.401
5	0.032	<0.1	< 0.132	0.089	<0.1	< 0.189
6	0.021	<0.1	< 0.121	0.060	<0.1	< 0.160
7	0.032	<0.1	< 0.132	0.103	<0.1	< 0.203
8	0.057	<0.1	< 0.157	0.143	<0.1	< 0.243
9	0.059	<0.1	< 0.159	0.157	<0.1	< 0.257

\* All measurements in mR/hr unless otherwise noted.

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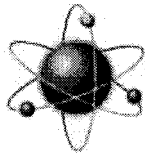
## Nuclear Source Leak Test Report

Company Name: Fola Coal Company	Customer's Instrument Model and SN : Gamma-metrics Model 2000 SN: 113 Auger						
Address: PO Box 180 Bickmore, WV 25019	Date of Leak Test : 05-25-07						
Site Contact: Bruce Hamrick Phone Number: 304-587-4100	SABIA Engineer Name: John W. Hagley Signature: <i>John W. Hagley</i>						
List all instruments used to perform the leak test: <table border="1"><thead><tr><th><u>Instrument</u></th><th><u>Model</u></th><th><u>Serial Number</u></th></tr></thead><tbody><tr><td>SE International Radiation Alert</td><td>Inspector</td><td>08644</td></tr></tbody></table>		<u>Instrument</u>	<u>Model</u>	<u>Serial Number</u>	SE International Radiation Alert	Inspector	08644
<u>Instrument</u>	<u>Model</u>	<u>Serial Number</u>					
SE International Radiation Alert	Inspector	08644					
Reason for Leak Test: Commission    Decommission    Refurbishment <b>X</b> Periodic Wipe Other _____							

## Test Results :

Sealed Source Serial Number Cs 137	Source Activity Level milliCi	Smear Contamination Levels
Z-787	6.95	<0.005uCi
Sealed Source Serial Number Am-241		
Sealed Source Serial Number Cf252	Source Activity Level $\mu$ grams	Smear Contamination Levels
CF-Z1489	3.61	<0.005uCi
CF-Z1490	3.63	<0.005uCi
CF-Z2008	11.06	<0.005uCi
CF-Z2009	11.21	<0.005uCi
CF-2986	19.60	<0.005uCi
CF-2987	19.41	<0.005uCi

The Leak Test results documented by this report were obtained using a wipe (smear with a cloth patch) test in accordance with ANSI N5.10 - 1968 Appendix Section B2.1. A nuclear source such as the Cf252 and Cs137 isotopes tested herein are deemed acceptable by State and Federal authorities if the contamination found on a smear is less than 0.005 microcuries. Alpha, Beta, and Gamma contamination is measured in the Cf252 smear and Beta and Gamma in the Cs137 smear.

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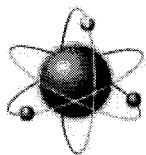
## Nuclear Source Leak Test Report

Company Name: Fola Coal Company	Customer's Instrument Model and SN : Gamma-metrics Model 2000 SN: 109 Blend						
Address: PO Box 180 Bickmore, WV 25019	Date of Leak Test : 05-25-07						
Site Contact: Bruce Hamrick Phone Number: 304-587-4100	SABIA Engineer Name: John W. Hagley Signature: <i>John W. Hagley</i>						
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SE International Radiation Alert	Inspector	08644					
Reason for Leak Test: Commission    Decommission    Refurbishment    Periodic Wipe <b>X</b> Other _____							

### Test Results :

Sealed Source Serial Number Cs 137	Source Activity Level milliCi	Smear Contamination Levels
Z-785	7.93	<0.005uCi
Sealed Source Serial Number Am-241		
Sealed Source Serial Number Cf252	Source Activity Level µgrams	Smear Contamination Levels
CF-Z1003	0.84	<0.005uCi
CF-Z1004	0.88	<0.005uCi
CF-Z1416	1.74	<0.005uCi
CF-Z1417	1.76	<0.005uCi
CF-Z2006	7.59	<0.005uCi
CF-Z2007	7.67	<0.005uCi

The Leak Test results documented by this report were obtained using a wipe (smear with a cloth patch) test in accordance with ANSI N5.10 - 1968 Appendix Section B2.1. A nuclear source such as the Cf252 and Cs137 isotopes tested herein are deemed acceptable by State and Federal authorities if the contamination found on a smear is less than 0.005 microcuries. Alpha, Beta, and Gamma contamination is measured in the Cf252 smear and Beta and Gamma in the Cs137 smear.



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## Nuclear Source Leak Test Report

Company Name: Fola Coal Company	Customer's Instrument Model and SN : Berthold Ash Meter LB 420						
Address: PO Box 180 Bickmore, WV 25019	Date of Leak Test : 05-25-07						
Site Contact: Bruce Hamrick Phone Number: 304-587-4100	SABIA Engineer Name: John W. Hagley Signature: <i>John W. Hagley</i>						
List all instruments used to perform the leak test: <table border="1"><thead><tr><th><u>Instrument</u></th><th><u>Model</u></th><th><u>Serial Number</u></th></tr></thead><tbody><tr><td>SE International Radiation Alert</td><td>Inspector</td><td>08644</td></tr></tbody></table>		<u>Instrument</u>	<u>Model</u>	<u>Serial Number</u>	SE International Radiation Alert	Inspector	08644
<u>Instrument</u>	<u>Model</u>	<u>Serial Number</u>					
SE International Radiation Alert	Inspector	08644					
Reason for Leak Test: Commission    Decommission    Refurbishment    Periodic Wipe <b>X</b> Other _____							

## Test Results :

Sealed Source Serial Number Cs 137	Source Activity Level milliCi	Smear Contamination Levels
1133-9-82	30	<0.005uCi
Sealed Source Serial Number Am-241		
2580-10-94	300	<0.005uCi
Sealed Source Serial Number Cf252	Source Activity Level µgrams	Smear Contamination Levels

The Leak Test results documented by this report were obtained using a wipe (smear with a cloth patch) test in accordance with ANSI N5.10 - 1968 Appendix Section B2.1. A nuclear source such as the Cf252 and Cs137 isotopes tested herein are deemed acceptable by State and Federal authorities if the contamination found on a smear is less than 0.005 microcuries. Alpha, Beta, and Gamma contamination is measured in the Cf252 smear and Beta and Gamma in the Cs137 smear.





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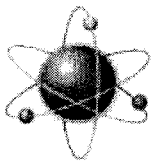
## Nuclear Source Leak Test Report

Company Name: Fola Coal Company	Customer's Instrument Model and SN : Ohmart SR-A S/N 65599 Heavy Media Cyclone						
Address: PO Box 180 Bickmore, WV 25019	Date of Leak Test : 01-26-06						
Site Contact: Bruce Hamrick Phone Number: 304-587-4100	SABIA Engineer Name: John W. Hagley Signature: <i>John W. Hagley</i>						
List all instruments used to perform the leak test: <table border="1"><thead><tr><th><u>Instrument</u></th><th><u>Model</u></th><th><u>Serial Number</u></th></tr></thead><tbody><tr><td>SE International Radiation Alert</td><td>Inspector</td><td>08644</td></tr></tbody></table>		<u>Instrument</u>	<u>Model</u>	<u>Serial Number</u>	SE International Radiation Alert	Inspector	08644
<u>Instrument</u>	<u>Model</u>	<u>Serial Number</u>					
SE International Radiation Alert	Inspector	08644					
Reason for Leak Test: Commission <input type="checkbox"/> Decommission <input type="checkbox"/> Refurbishment <input type="checkbox"/> Periodic Wipe <input checked="" type="checkbox"/> Other <input type="checkbox"/> _____							

### Test Results :

Sealed Source Serial Number Cs 137	Source Activity Level milliCi	Smear Contamination Levels
65599	100.0	<0.005uCi
Sealed Source Serial Number Am-241		
Sealed Source Serial Number Cf252	Source Activity Level µgrams	Smear Contamination Levels

The Leak Test results documented by this report were obtained using a wipe (smear with a cloth patch) test in accordance with ANSI N5.10 – 1968 Appendix Section B2.1. A nuclear source such as the Cf252 and Cs137 isotopes tested herein are deemed acceptable by State and Federal authorities if the contamination found on a smear is less than 0.005 microcuries. Alpha, Beta, and Gamma contamination is measured in the Cf252 smear and Beta and Gamma in the Cs137 smear.

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## Nuclear Source Leak Test Report

Company Name: Fola Coal Company	Customer's Instrument Model and SN : Ohmart SR-A S/N 0631GK Overdense Circuit						
Address: PO Box 180 Bickmore, WV 25019	Date of Leak Test : 01-26-06						
Site Contact: Bruce Hamrick Phone Number: 304-587-4100	SABIA Engineer Name: John W. Hagley Signature: <i>John W. Hagley</i>						
List all instruments used to perform the leak test: <table border="1"><thead><tr><th><u>Instrument</u></th><th><u>Model</u></th><th><u>Serial Number</u></th></tr></thead><tbody><tr><td>SE International Radiation Alert</td><td>Inspector</td><td>08644</td></tr></tbody></table>		<u>Instrument</u>	<u>Model</u>	<u>Serial Number</u>	SE International Radiation Alert	Inspector	08644
<u>Instrument</u>	<u>Model</u>	<u>Serial Number</u>					
SE International Radiation Alert	Inspector	08644					
Reason for Leak Test: Commission <input type="checkbox"/> Decommission <input type="checkbox"/> Refurbishment <input type="checkbox"/> Periodic Wipe <input checked="" type="checkbox"/> Other <input type="checkbox"/> _____							

## Test Results :

Sealed Source Serial Number Cs 137	Source Activity Level milliCi	Smear Contamination Levels
0631GK	50.0	<0.005uCi
Sealed Source Serial Number Am-241		
Sealed Source Serial Number Cf252	Source Activity Level µgrams	Smear Contamination Levels

The Leak Test results documented by this report were obtained using a wipe (smear with a cloth patch) test in accordance with ANSI N5.10 – 1968 Appendix Section B2.1. A nuclear source such as the Cf252 and Cs137 isotopes tested herein are deemed acceptable by State and Federal authorities if the contamination found on a smear is less than 0.005 microcuries. Alpha, Beta, and Gamma contamination is measured in the Cf252 smear and Beta and Gamma in the Cs137 smear.



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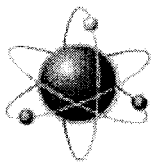
## Nuclear Source Leak Test Report

Company Name: Fola Coal Company	Customer's Instrument Model and SN : Ohmart SH-F1B-0 S/N 5188CM Heavy Media Cyclone Plant 2						
Address: PO Box 180 Bickmore, WV 25019	Date of Leak Test : 01-26-06						
Site Contact: Bruce Hamrick Phone Number: 304-587-4100	SABIA Engineer Name: John W. Hagley Signature: <i>John W. Hagley</i>						
List all instruments used to perform the leak test: <table border="1"><thead><tr><th><u>Instrument</u></th><th><u>Model</u></th><th><u>Serial Number</u></th></tr></thead><tbody><tr><td>SE International Radiation Alert</td><td>Inspector</td><td>08644</td></tr></tbody></table>		<u>Instrument</u>	<u>Model</u>	<u>Serial Number</u>	SE International Radiation Alert	Inspector	08644
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SE International Radiation Alert	Inspector	08644					
Reason for Leak Test: Commission <input type="checkbox"/> Decommission <input type="checkbox"/> Refurbishment <input type="checkbox"/> Periodic Wipe <input checked="" type="checkbox"/> Other <input type="checkbox"/> _____							

## Test Results :

Sealed Source Serial Number Cs 137	Source Activity Level milliCi	Smear Contamination Levels
5188CM	100.0	<0.005uCi
Sealed Source Serial Number Am-241		
Sealed Source Serial Number Cf252	Source Activity Level µgrams	Smear Contamination Levels

The Leak Test results documented by this report were obtained using a wipe (smear with a cloth patch) test in accordance with ANSI N5.10 – 1968 Appendix Section B2.1. A nuclear source such as the Cf252 and Cs137 isotopes tested herein are deemed acceptable by State and Federal authorities if the contamination found on a smear is less than 0.005 microcuries. Alpha, Beta, and Gamma contamination is measured in the Cf252 smear and Beta and Gamma in the Cs137 smear.

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## Nuclear Source Leak Test Report

Company Name: Fola Coal Company	Customer's Instrument Model and SN : Ohmart SR-A S/N 65967 Heavy Media						
Address: PO Box 180 Bickmore, WV 25019	Date of Leak Test : 01-26-06						
Site Contact: Bruce Hamrick Phone Number: 304-587-4100	SABIA Engineer Name: John W. Hagley Signature: <i>John W. Hagley</i>						
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SE International Radiation Alert	Inspector	08644					
Reason for Leak Test: Commission <input type="checkbox"/> Decommission <input type="checkbox"/> Refurbishment <input type="checkbox"/> Periodic Wipe <input checked="" type="checkbox"/> Other <input type="checkbox"/> _____							

## Test Results :

Sealed Source Serial Number Cs 137	Source Activity Level milliCi	Smear Contamination Levels
65967	100.0	<0.005uCi
Sealed Source Serial Number Am-241		
Sealed Source Serial Number Cf252	Source Activity Level µgrams	Smear Contamination Levels

The Leak Test results documented by this report were obtained using a wipe (smear with a cloth patch) test in accordance with ANSI N5.10 – 1968 Appendix Section B2.1. A nuclear source such as the Cf252 and Cs137 isotopes tested herein are deemed acceptable by State and Federal authorities if the contamination found on a smear is less than 0.005 microcuries. Alpha, Beta, and Gamma contamination is measured in the Cf252 smear and Beta and Gamma in the Cs137 smear.

This is to acknowledge the receipt of your letter/application dated

6/18/2007, and to inform you that the initial processing which includes an administrative review has been performed.

☒ *NOTIFICATION 47-25325-01*  
There were no administrative omissions. Your application was assigned to a technical reviewer. Please note that the technical review may identify additional omissions or require additional information.

☐ Please provide to this office within 30 days of your receipt of this card

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A copy of your action has been forwarded to our License Fee & Accounts Receivable Branch, who will contact you separately if there is a fee issue involved.

Your action has been assigned Mail Control Number 140674.  
When calling to inquire about this action, please refer to this control number.  
You may call us on (610) 337-5398, or 337-5260.