

June 18, 2007

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

2007 JUN 19 AM 10:31
RECEIVED
REGION 1

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

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.

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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



Industrial Radiology Specialists
NRC License # 11-27727-01

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

www.sabiainc.com

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

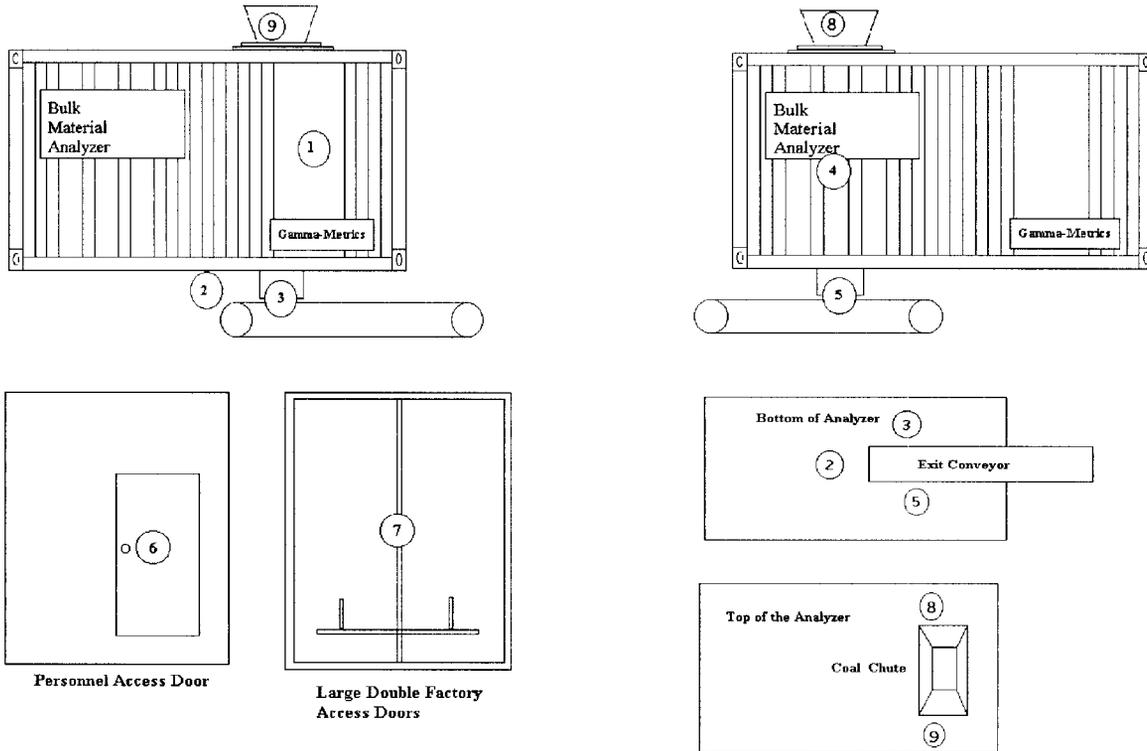


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Gamma-Metrics Model 2000 Radiation Survey Form



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:	
<u>Instrument</u> SE International Radiation Alert	<u>Model</u> Inspector <u>Serial Number</u> 08644
Reason for Leak Test: Commission Decommission Refurbishment <input checked="" type="checkbox"/> Periodic Wipe Other _____	

Test Results :

Sealed Source Serial Number	Source Activity Level milliCi	Smear Contamination Levels
Cs 137 Z-787	6.95	<0.005uCi
Sealed Source Serial Number Am-241		
Sealed Source Serial Number Cf252	Source Activity Level μ 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>
List all instruments used to perform the leak test:	
<u>Instrument</u> SE International Radiation Alert	<u>Model</u> Inspector <u>Serial Number</u> 08644
Reason for Leak Test: Commission Decommission Refurbishment Periodic Wipe X Other _____	

Test Results :

Sealed Source Serial Number	Source Activity Level milliCi	Smear Contamination Levels
Cs 137 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

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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:	
<u>Instrument</u> SE International Radiation Alert	<u>Model</u> Inspector <u>Serial Number</u> 08644
Reason for Leak Test: Commission Decommission Refurbishment Periodic Wipe X Other _____	

Test Results :

Sealed Source Serial Number	Source Activity Level	Smear Contamination Levels
Cs 137 1133-9-82	30 milliCi	<0.005uCi
Sealed Source Serial Number Am-241 2580-10-94	300	<0.005uCi
Sealed Source Serial Number Cf252	Source Activity Level μ grams	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:	
<u>Instrument</u> SE International Radiation Alert	<u>Model</u> Inspector <u>Serial Number</u> 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	Source Activity Level milliCi	Smear Contamination Levels
Cs 137 65599	100.0	<0.005uCi
Sealed Source Serial Number Am-241		
Sealed Source Serial Number Cf252	Source Activity Level μ grams	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:	
<u>Instrument</u> SE International Radiation Alert	<u>Model</u> Inspector <u>Serial Number</u> 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	Source Activity Level	Smear Contamination Levels
Cs 137	milliCi	
0631GK	50.0	<0.005uCi
Sealed Source Serial Number		
Am-241		
Sealed Source Serial Number	Source Activity Level	Smear Contamination Levels
Cf252	µgrams	

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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:	
<u>Instrument</u> SE International Radiation Alert	<u>Model</u> Inspector <u>Serial Number</u> 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	Source Activity Level	Smear Contamination Levels
Cs 137	milliCi	
5188CM	100.0	<0.005uCi
Sealed Source Serial Number		
Am-241		
Sealed Source Serial Number	Source Activity Level	Smear Contamination Levels
Cf252	µgrams	

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>
List all instruments used to perform the leak test:	
<u>Instrument</u> SE International Radiation Alert	<u>Model</u> Inspector <u>Serial Number</u> 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 65967	Source Activity Level milliCi 100.0	Smear Contamination Levels <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

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.