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February 17, 2009

JOSEPH M. RICHARDS
 Manager-Occupational Health and Safety

U.S. Nuclear Regulatory Commission
 Attention: Dr. Sattar Lodhi
 Materials Security and Industrial Branch
 Region I
 475 Allendale Road
 King of Prussia, PA 19406-1415

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Dear Dr. Lodhi:

03032497

Per our recent conversations, this letter is to notify you of the devices located at the Preparation Plant No.1 on Big Branch Road in Naugatuck, WV, which should be included as specifically licensed devices under U.S. NRC license #47-25168-01. As you may recall, the licensee for this license has been recently changed from Southern West Virginia Resources, LLC to CONSOL of Kentucky Inc..

This location possesses twenty-three (23) industrial gauges used for controlling coal processing at the preparation plant. By manufacturer and model number, their quantities are as follows...

Manufacturer	Model No.	Quantity
Scan Technologies, Inc.	9000	1
Scan Technologies, Inc.	2500	1
Kay-Ray, Inc.	7062P	10
Kay-Ray, Inc.	7063P	6
Texas Nuclear	5201	3
Texas Nuclear	5202	2
Total -----		23

We request that the two (2) Scan Technologies, Inc. coal analyzers, model 9000 and model 2500, be placed on the license number listed above and be considered as specifically licensed devices. (Though the Sealed Source Device Registry Certificate for the model 2500, states that the device may be distributed to persons generally licensed, the preparation plant's management and treatment of the device in the past is consistent with practices required for specifically licensed gauges and for this reason, we request that it be included on the license.)

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We request that the remaining twenty-one (21) devices (i.e., Kay-Ray, Inc. and Texas Nuclear) not be included in this specific license, but fall under general license regulations (i.e., 10 CFR, Part 31.5). Following receipt of this amended license, we will insure that all twenty-one devices are registered as required, under the "Annual Registration of Generally Licensed Devices" as outlined in 10 CFR, Part 31.5.

I apologize for this late response in responding to your request. Should you have any additional questions or concerns, please contact me. Your help and cooperation is appreciated.

Sincerely,

On Behalf of CONSOL of Kentucky Inc.



Copy to:

Ed Daniels.....CONSOL of Kentucky Inc.