

# RI - DNMS Licensee Event Report Disposition

Licensee:	Fola Coal Company (Consol Energy, Inc.)		
Event Description:	Safety Equipment Failure		
License No:	47-25325	Packet No:	030338
Event Date:	1/12/09	Report Date:	1/13/09
		MLER-RI:	2009-003
		HQ Ops Event #:	

1. REPORTING REQUIREMENT

<input type="checkbox"/> 10 CFR 20.1906 Package Contamination <input type="checkbox"/> 10 CFR 20.2201 Theft or Loss <input type="checkbox"/> 10 CFR 20.2203 30 Day Report <input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> 10 CFR 30.50 Report <input type="checkbox"/> 10 CFR 35.3045 Medical Event <input type="checkbox"/> License Condition
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2. REGION I RESPONSE

<input type="checkbox"/> Immediate Site Inspection <input type="checkbox"/> Special Inspection <input checked="" type="checkbox"/> Telephone Inquiry <input type="checkbox"/> Preliminary Notification/Report <input checked="" type="checkbox"/> Information Entered in RI Log <input type="checkbox"/> Report Referred To: _____	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%;">Inspector/Date</td><td></td></tr> <tr><td>Inspector/Date</td><td></td></tr> <tr><td>Inspector/Date</td><td></td></tr> <tr><td><input type="checkbox"/> Daily Report</td><td></td></tr> <tr><td><input checked="" type="checkbox"/> Review at Next Inspection</td><td></td></tr> </table>	Inspector/Date		Inspector/Date		Inspector/Date		<input type="checkbox"/> Daily Report		<input checked="" type="checkbox"/> Review at Next Inspection	
Inspector/Date											
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<input type="checkbox"/> Daily Report											
<input checked="" type="checkbox"/> Review at Next Inspection											

3. REPORT EVALUATION

<input checked="" type="checkbox"/> Description of Event <input checked="" type="checkbox"/> Levels of RAM Involved <input checked="" type="checkbox"/> Cause of Event	<input checked="" type="checkbox"/> Corrective Actions <input type="checkbox"/> Calculations Adequate <input type="checkbox"/> Additional Information Requested from Licensee
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4. MANAGEMENT DIRECTIVE 8.3 EVALUATION

<input type="checkbox"/> Release w/Exposure > Limits <input type="checkbox"/> Repeated Inadequate Control <input type="checkbox"/> Exposure 5x Limits <input type="checkbox"/> Potential Fatality <input type="checkbox"/> If any of the above are involved: <input type="checkbox"/> Considered Need for IIT Decision/Made By/Date: _____	<input type="checkbox"/> Deliberate Misuse w/Exposure > Limits <input type="checkbox"/> Pkging Failure > 10 rads/hr or Contamination > 1000x Limits <input type="checkbox"/> Large# Indivs w/Exp > Limits or Medical Deterministic Effects <input type="checkbox"/> Unique Circumstances or Safeguards Concerns <input type="checkbox"/> Considered Need for AIT
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5. MANAGEMENT DIRECTIVE 8.10 EVALUATION (additional evaluation for medical events only)

<input type="checkbox"/> Timeliness - Inspection Meets Requirements (5 days for overdose / 10 days for underdose) <input type="checkbox"/> Medical Consultant Used-Name of Consultant/Date of Report: _____ <input type="checkbox"/> Medical Consultant Determined Event Directly Contributed to Fatality <input type="checkbox"/> Device Failure with Possible Adverse Generic Implications <input type="checkbox"/> HQ or Contractor Support Required to Evaluate Consequences
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6. SPECIAL INSTRUCTIONS OR COMMENTS

☐ Non-Public

Inspector Signature:

Date: 2/26/2009

☒ Public-SUNSI REVIEW COMPLETE

Branch Chief Initials:

Date: 2/26/09

Location of File: G:\Reference\Blank Forms\LER FORM.wpd

Rev. 02/25/05

Emergency Class: NON EMERGENCY  
 10 CFR Section:  
 50.72(b)(3)(xiii) - LOSS COMM/ASMT/RESPONSE

Person (Organization):  
 KENNETH O'BRIEN (R3)

Unit	SCRAM Code	RX CRIT	Initial PWR	Initial RX Mode	Current PWR	Current RX Mode
1	N	N	0	Cold Shutdown	0	Cold Shutdown
2	N	Y	100	Power Operation	100	Power Operation

**Event Text**

# TECHNICAL SUPPORT CENTER UNAVAILABLE DUE TO SCHEDULED HVAC MAINTENANCE

"At 0907 on Tuesday, January 13, 2009, the Cook Nuclear Plant (CNP) Technical Support Center (TSC) air conditioning and charcoal filtration systems were removed from service for scheduled maintenance.

"Under certain accident conditions the TSC may become unavailable due to the inability of the air conditioning and charcoal filtration systems to maintain a habitable atmosphere. Compensatory measures exist to relocate TSC personnel to the unaffected unit's control room if necessary.

"Ventilation system maintenance is scheduled to complete at 1500 on Tuesday, January 13, 2009.

"The licensee has notified the NRC Senior Resident Inspector.

"This notification is being made in accordance with 10 CFR 50.72 (b)(3)(xiii) due to the loss of an emergency response facility."

\* \* \* UPDATE FROM SCOTT SCHNEIDER TO PETE SNYDER AT 1534 ON 1/13/09 \* \* \*

"The TSC ventilation system air conditioning was returned to functional status at 1532 on Tuesday, January 13, 2009. This follow up notification is being made to provide closure from the initial notification under 10 CFR 50.72 (b)(3)(xiii) due to the loss of an emergency response facility.

"The licensee notified the NRC Resident Inspector." Notified R3DO (Passehl).

Other Nuclear Material	Event Number: 44770
Rep Org: CONSOL ENERGY Licensee: FOLA COAL COMPANY Region: 1 City: BICKMORE State: WV County: License #: Agreement: N Docket: NRC Notified By: JOE RICHARDS HQ OPS Officer: PETE SNYDER	Notification Date: 01/13/2009 Notification Time: 13:36 [ET] Event Date: 01/12/2009 Event Time: [EST] Last Update Date: 01/13/2009
Emergency Class: NON EMERGENCY 10 CFR Section: 30.50(b)(2) - SAFETY EQUIPMENT FAILURE	Person (Organization): ART BURRITT (R1) CHRIS EINBERG (FSME)

**Event Text**

PROCESS GAUGE SHUTTER STUCK OPEN

On 1/12/09 Consol Energy noted that the shutter stuck open on a pipe mounted process gage used in their facility in Bickmore, West Virginia. Consol had their RSO and Thermo-Fisher Scientific respond to the site to survey the area to ensure that the material was properly contained and that access to the area was restricted such that no one could inadvertently receive unmonitored exposure.

The gauge is an Ohmart Model SR-A with a 100 millicurie Cs-137 source. The gauge is generally licensed material. Consol is currently planning remedial actions to either replace or properly dispose of the gauge.

Privacy Policy | Site Disclaimer  
*Wednesday, January 14, 2009*

**CONSOL Energy Inc.**

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**web:** www.consolenergy.com

February 10, 2009

**JOSEPH M. RICHARDS**

Manager-Occupational Health and Safety

RECEIVED  
REGION 1  
2009 FEB 12 PM 12:21

ATTN: Document Control Desk, Director  
Office of Federal and State Materials  
and Environmental Management Programs  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Sirs:

In accordance with 10 CFR, 30.50 follow-up reporting requirements, this letter is in response to Event #44770 which was reported by me to the U.S. NRC Operations Center by phone, on January 13, 2009. This notification involved the failure of the manually operated shutter on a fixed gauge device, to close as designed. The probable cause of this failure is the age of the device, with an assay date of 1/95 as shown on the device label. The use of this device is authorized by U.S. NRC license number 47-25325-01 under the licensee Fola Coal Company, LLC. Details of the event and corrective actions taken, are as follows.

On January 12, 2009 the RSO, Rocky Osborne, while accompanied by field representative Jason Campbell of Thermo Fisher Scientific, attempted to manually close the ON/OFF shutter of an Ohmart/VEGA model SR-A (serial #65967) fixed density gauge which was mounted to a fourteen inch vertical pipe on the third floor of the Peach Orchard Preparation Plant near Bickmore, WV. The device contains a Cs-137, 100 mCi sealed source and was used to monitor the heavy media circuit of processed coal at the plant.

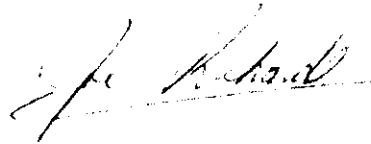
After repeated, failed attempts to close the shutter, a survey was performed of the area by Jason Campbell to insure that no exposure to radiation was present that could exceed regulatory limits. The area was then roped off directly around the device to prevent unauthorized entry into the area. On January 13, additional failed attempts were made to close the shutter and another survey was performed by the RSO to insure no elevated levels of exposure were present. At that time, I called the Operation's Center to report this condition.

Efforts began promptly to schedule removal and disposal or transfer of the device. The device has been removed and packaged for shipment by SABIA Inc. under their U.S. NRC license #11-27727-01. It will be shipped to Thermo Fisher Scientific on or around February 10, 2009 for their possession, under their Texas State license #L03524. Records of this transaction are available upon request.

Should you have any questions or concerns regarding this report, please contact me. Your help and cooperation is appreciated.

Sincerely,

On Behalf of Fola Coal Company, LLC

A handwritten signature in dark ink, appearing to read "Rocky Osborne", written over a horizontal line.

Copy to:

Rocky Osborne.....Fola Coal Company, LLC  
U.S. NRC Region I Office.....King of Prussia, PA