

Frank Burke
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November 19, 1996

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555

License No: 37-02694
Docket No: 030-06081
Inspection No: 030-06081/96-001

Reference: Reply to a Notice of Violation

Dear Sir:

CONSOL Research and Development is very proud of our performance with respect to radiation safety and, as a result, regard the Notice of Violation with a high level of concern. After reviewing our actions, we believe that we have acted responsibly and are in compliance with NRC regulatory requirements. Therefore, we choose to dispute the Notice of Violation. We were unaware that temporary storage had a specific one-year time limit, and have found no reference to this in our license. In response to your notice, we evaluated our plans for the use of the three Texas Nuclear devices cited and determined that they will not be used within one year. Therefore, we will dispose of them in an appropriate manner by December 31, 1996. This will assure future compliance regardless of the outcome of our appeal. I hope that the balance of this letter will demonstrate to you our position regarding our ALARA and storage programs, and that you will reevaluate and rescind the Notice of Violation.

The generally licensed radioactive sources that you refer to in the "Notice of Violation" were installed in experimental pilot plant facilities at CONSOL R&D. Because of the nature of research work, these sources are not in continuous use. As required by 10 CFR 20, we have an ALARA statement as part of our radiation safety program, to assure that the radiation exposure to personnel is As Low As Reasonable Achievable. Therefore, these sources had been relocated from the pilot plant facility to our radiation survey room while the pilot plant operations were temporarily suspended. As permitted by our NRC license (line 18), we were storing them there temporarily (i.e., pending resumption of pilot plant operations) to prevent accidental damage, and to minimize personnel exposure (ALARA). The room is highly secure and access is strictly controlled. These devices were not being held for decay. We have evaluated our future need for these sources in our research program and do not anticipate placing them in service within one year. Therefore, we are returning these sources to their original manufacturer.

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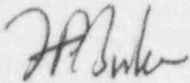
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I hope that you will reconsider your position and withdraw the Notice of Violation. If we can provide any additional information and documentation, please contact Roy Scandrol at 412-854-6643.

Sincerely,

A handwritten signature in dark ink, appearing to read "F. P. Burke". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

F. P. Burke
smd

cc: Regional Administrator, Region I