

SEP 04 1985

Docket No. 030-13689

License No. 37-15550-02

Consolidation Coal Co., Eastern Region  
ATTN: Marshall Hunt  
Manager of Engineering  
450 Racetrack Road  
Washington, PA 15301

Subject: Inspection Number 030-13689/85-01

Gentlemen:

This refers to the routine safety inspection conducted by M. A. Varela of this office on July 30, 1985 of activities authorized by NRC License No. 37-15550-02 and to the discussions of our findings held by M. A. Varela at the conclusion of the inspection.

The area examined during this inspection was limited to storage of the portable nuclear gauges. Within this area, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector.

Based on the results of this inspection, it appears that one of your activities was not conducted in full compliance with NRC requirements, as set forth in the Notice of Violation, enclosed herewith as Appendix A. This violation has been categorized by severity level in accordance with the revised NRC Enforcement Policy (10 CFR 2, Appendix C) published in the Federal Register Notice (49 FR 8583) dated March 8, 1984. You are required to respond to this letter and in preparing your response, you should follow the instructions in Appendix A.

The item described in the attached Notice of Violation, involving control of licensed material, is classified as a Severity Level IV violation. As indicated in Supplement IV of the NRC Enforcement Policy significant violations of this type are normally classified as Severity Level III. However, after careful consideration of the factors involved in this specific instance, including the fact that the impact on the health and safety of the public was minimal and remote since removal of the unsecured material by unauthorized individuals was unlikely, we have exercised our judgement under the NRC Enforcement Policy and have classified this violation as Severity Level IV. Similar violations of this type in the future may result in additional enforcement action.

From the discussions of our findings at the conclusion of the inspection, we understand that you will obtain padlocks for the portable gauge handles and lock the handles in the closed position and that these padlock keys will be retained only by an authorized user(s).

Please confirm our understanding in your reply to this letter.

In accordance with Section 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and your reply will be placed in the Public Document Room.

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REGION I

Consolidation Coal Co.,  
Eastern Region

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The responses directed by this letter and the accompanying Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Your cooperation with us in this matter is appreciated.

Sincerely,

*Original Signed By:*

John E. Glenn, Ph.D, Chief  
Nuclear Materials Safety Section B,  
Division of Radiation Safety  
and Safeguards

Enclosure: 1. Appendix A, Notice of Violation  
2. 10 CFR 2, Appendix C

cc w/encl:  
Public Document Room (PDR)  
Nuclear Safety Information Center (NSIC)  
Commonwealth of Pennsylvania

bcc w/encl:  
Region I Docket Room (w/concurrences)  
Senior Operations Officer (w/o encl)  
Dan Holody

RI:DRSS  
MVarela/mjh  
*[Signature]*  
8/23/85

RI:DRSS  
JGlenn  
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8/28/85

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