

2-4-2013

US Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-001

Reply to a Notice of Violation
Information Notice 96-28
Docket: 030-30302
License: 25-23329-02
Kerin & Associates (KA), P.C.

Dear Mr. Vasquez

In response to the above noted Notice of Violation (Notice) per your letter, dated January 23, 2013 you asked that I respond to the two violations cited: They are:

1. 10CFR 20.1101(c) – Annual Review of Radiation Protection Program

The RSO who had conducted the annual reviews and managed the gauges in an appropriate manner rescinded his position in 2006. The position of RSO was not established thereafter and many aspects of the program became unclear and in time neglected. In addition, and as a result of the economic down-turn shortly after 2005, our gauges were never used in the field and the Radiation Safety Program (RSP) at the firm was never fully re-established. If there was a demand for our gauges, a technician would have been trained in their use and our RSP program would have passed to him or her.

As a valid corrective action, the last person to successfully manage the Radiation Safety Program rejoined the firm in June 2011. Although he is not currently certified to operate the gauges, he is experienced with the standards and expectations of the NRC which is crucial for the RSO and as a result the program has been reinstated as of 2012. Furthermore, KA is attempting to sell at least one of our gauges and perhaps both. We normally retain an outside geotechnical service to do our soil/material density testing. If gauges are not sold by June or July 2013, the Firm will re-certify an operator.

2. KA License Condition 10 – Gauge Storage Location

Shortly after the NRC's December 18th 2012 Inspection, we requested an amendment to our license to store our gauges at our current office. We received a letter (mail control number – 579680, Licensing and/or technical reviewer "ch") dated 1-9-13 acknowledging our amendment request and further stating there were no administrative omissions during initial review. We have not received an amended license, but have been pro-active in obtaining one since your agency's inspection. The gauges are stored, in a like manner, to their stored location at our former office at 2409 West Main Street, Suite 2. Our gauges are under lock and key. It

Kerin and Associates, P.C.

517 S. 22nd Ave Ste 4

Bozeman, MT 59718

P: (406) 586-8407, F: (406) 586-3745, C: (406) 570-4913

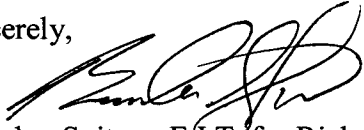
kerinandassociates.com

*IED7
RGW-IV*

takes 4 locks to access our gauges: 1) Front entry, 2) KA Entry Office, 3) Cabinet Lock, 4) Gauge Lock

Please call or e-mail with any further questions or concerns.

Sincerely,



Brandon Spitzer, E.I.T. for Rick Kerin, P.E. (RSO)

cc: Regional Administrator
Region IV 1600 E. Lamar Blvd
Arlington, TX 76011