



OFFICE OF THE
GENERAL COUNSEL

~~RECEIVED~~ CORRESPONDENCE
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DOCKETED
USNRC

'98 APR -9 P4:22

April 9, 1998

OFFICE OF SECRETARY
ADJUDICATING OFFICE

Clifton A. Lake
McBride Baker & Coles
500 West Madison Street, 40th Floor
Chicago, Illinois 60661-9350

In the Matter of
Conam Inspection, Inc
Itasca, Illinois (License No. 12-16559-01)
(Order Imposing Civil Monetary Penalty)
Docket No. 30-31373-CivP

Dear Mr. Lake:

Attached hereto are Interrogatories to be answered by Conam's radiation consultant, Ms. Carol P. Berger. As we agreed on the telephone, I am serving a copy directly upon Ms. Berger to expedite matters. I am also sending copies to you, Ms. Berger, and the Judges electronically.

Sincerely,

Charles A. Barth
Counsel for NRC Staff

cc: Carol D. Berger
Service list

SECY-EHD-001

DS03
18944

DOCKETED
USNRC

April 9, 1998

'98 APR -9 P4:23

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
PUBLIC AFFAIRS
ADJUDICATION DIVISION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket No. 30-31373-CivP
CONAM INSPECTION, INC.)	
Itasca, Illinois)	ASLBP No. 98-735-01-CivP
)	
(Order Imposing Civil Monetary Penalty))	

NRC STAFF INTERROGATORIES
TO CAROL D. BERGER
CONSULTANT TO CONAM INSPECTION, INC.

The NRC Staff requests that Conam Inspection, Incorporated's consultant, Carol D. Berger, pursuant to 10 C.F.R. 2.740b (b), answer the following interrogatories within fourteen days, or within such period of time as may be agreed upon between counsel and approved by the Chairman of the Licensing Board. Such answers shall be under oath or affirmation and shall be signed by Ms. Berger.

INTERROGATORY NUMBER 1

Identify and set forth at length and in detail any and all changes, modifications, or any other alterations of any sort, which should be made to your letter dated December 10, 1996, addressed to Mr. Robert Slack, R.S.O., Conam Inspection Inc., and to Appendix A through D, and their Attachments, which are attached to the aforesaid letter, to make the letter and Appendix A through D and their attachments complete, true and correct as of the date of the answer to this Interrogatory.

INTERROGATORY NUMBER 2

Are you professionally and technically conversant with the NRC Standards For Protection Against Radiation set forth in Title 10, Part 20 of the Code of Federal Regulations?

INTERROGATORY NUMBER 3

Are you professionally and technically competent to apply the NRC's dose computation methodology as set forth in Part 20 of the Code of Federal Regulations and, given sufficient information, to calculate the dose received externally to an individual?

INTERROGATORY NUMBER 4

Did you calculate Mr. William Chastain's external doses, which are set forth in Attachments 1 and 2, of Appendix D in your report of December 10, 1996, as 2347.01 and 2535.24, respectively, in full compliance with the methodology required for calculating an external dose as set forth in 10 C.F.R. Part 20 ?

INTERROGATORY NUMBER 5

Are the estimated external doses (in millirem) set forth in the Interrogatory immediately above, the numerical figures which would result from calculating the total effective dose equivalent received by Mr. William Chastain in accordance with the methodology set forth in 10 C.F.R. Part 20?

INTERROGATORY NUMBER 6

For purposes of calculating external dose, does 10 C.F.R. Part 20 permit a licensee to use weighting factors for external exposures prior to obtaining NRC approval?

INTERROGATORY NUMBER 7

For purposes of calculating external dose, does 10 C.F.R. Part 20 permit a licensee to use draft or final American National Standards Institute (ANSI) document number HPS N13.41-1997, "Criteria for Performing Multiple Dosimetry," for determining external exposures prior to obtaining NRC approval?

INTERROGATORY NUMBER 8

If the answer to Interrogatory number 7 is yes, please describe in detail how you were informed that the NRC had, or would, approve the use of draft or final HPS N13.41-1997 in computing the external dose received by Mr. William Chastain.

INTERROGATORY NUMBER 9

If the answer to Interrogatory number 7 is yes, please describe in detail how HPS N13.41-1997 is used in accident situations, such as the case with Mr. William Chastain's exposure.

INTERROGATORY NUMBER 10

Were you provided any information, in writing or orally, by Conam Inspection, Inc., prior to December 10, 1996, that indicated that the NRC had approved, or would approve the use of weighing factors for external exposure in calculating the external dose received by Mr. William Chastain?

INTERROGATORY NUMBER 11

If the answer to Interrogatory number 10 is yes, please describe in detail, how you were informed that the NRC had, or would, approve the use of weighing factors for the determination of external exposure in computing the dose received by Mr. William Chastain.

INTERROGATORY NUMBER 12

If you were informed in any sort of graphic that the NRC had approved, or would approve, the use of weighing factors for external exposure in computing the dose received by Mr. William Chastain, will you voluntarily provide such graphic material to the NRC counsel?

INTERROGATORY NUMBER 13

Prior to sending your December 10, 1996, letter to Mr. Robert Slack, did you formally or informally, in detail or simply roughly, calculate what total effective dose equivalent Mr. William Chastain would have received on February 28, 1996, according to the methodology set forth in 10 C.F.R. Part 20?

INTERROGATORY NUMBER 14

If the answer to Interrogatory number 13 is yes, please set forth your computations of the total effective dose equivalent received by Mr. Chastain using the methodology set forth in 10 C.F.R. Part 20.

INTERROGATORY NUMBER 15

If the answer to Interrogatory number 13 is yes, did the occupational dose received by Mr. Chastain exceed the annual dose permitted by the NRC in 10 C.F.R. Part 20 ?

INTERROGATORY NUMBER 16

If the answer to Interrogatory number 13 is yes, do you have any written notes, or computer data sheets, showing your calculations in accordance with the NRC methodology set forth in 10 C.F.R. Part 20, and if so will you voluntarily make them available to the NRC counsel?

INTERROGATORY NUMBER 17

If the answer to Interrogatory 13 is yes and you do not have any notes or graphic material showing your calculations, please describe when, how, and under what circumstances those notes or graphic records were either destroyed or disposed of.

INTERROGATORY NUMBER 18

Prior to sending your December 10, 1996 letter and attachments to Mr. Robert Slack, did you calculate the dose which Mr. Chastain received by using a methodology which was in compliance with 10 C.F.R. Part 20 methodology?

INTERROGATORY NUMBER 19

If the answer to Interrogatory number 18 is yes, please identify fully just what methodology you used.

INTERROGATORY NUMBER 20

If the answer to Interrogatory number 18 is yes, do you have any notes or computer work sheets showing your calculations?

INTERROGATORY NUMBER 21

If the answer to Interrogatory number 20 is yes, will you voluntarily provide such graphic material to the NRC counsel ?

INTERROGATORY NUMBER 22

If the answer to Interrogatory number 20 is no, please describe in detail the time and circumstances under which your graphic material was destroyed or disposed of.

INTERROGATORY NUMBER 23

Prior to December 10, 1996, did you orally or graphically, directly or indirectly or by inference, inform Mr. Robert Slack, or any person having an interest in common with Conam Inspection, Inc., or any of Conam's employees or officers, that computation of the dose received by Mr. William Chastain would exceed permissible NRC occupational dose limits if calculated in accord with the criteria set forth in 10 C.F.R. Part 20 ?

INTERROGATORY NUMBER 24

If the answer to Interrogatory number 23 is yes, please describe fully just what that communication was, how it occurred, when it occurred, and to whom it was made.

INTERROGATORY NUMBER 25

Prior to December 10, 1996, did any person associated with Conam Inspection, Inc., suggest that you use a particular methodology to calculate the dose that Mr. Chastain received or that you use another methodology to calculate the dose that Mr. Chastain received in a manner that was not approved by the NRC for determination of occupational external exposure?

INTERROGATORY NUMBER 26

If the answer to Interrogatory number 25 is yes, please describe in detail the conversation, or conversations, which occurred, where computational methodology other than that approved by the NRC, was discussed.

INTERROGATORY NUMBER 27

Prior to December 10, 1996, did any person(s) associated with Conam Inspection, Inc., inform you directly or indirectly, or by inference, that persons at Conam Inspection, Inc., believed that a computation of the dose received by Mr. William Chastain did or might exceed the dose permitted by the NRC if it was calculated strictly in accordance with the criteria set forth in 10 C.F.R. Part 20 for determination external dose?

INTERROGATORY NUMBER 28

If the answer to Interrogatory number 27 is yes, please identify who was the person associated with Conam Inspection, Inc, when the conversation occurred, and what was the intention and result of the conversation.

INTERROGATORY NUMBER 29

Will you voluntarily provide to NRC counsel the written request of November 22, 1996, by Mr. Robert Slack for an assessment of the total effective dose equivalent received by Mr. William Chastain on February 27, 1996.

INTERROGATORY NUMBER 30

Taking all written and oral communications together, were you or Integrated Environmental Management, Inc., engaged to provide an assessment of the external dose received by Mr. Chastain, in accordance with the methodology authorized by the NRC in 10 C.F.R. Part 20?

INTERROGATORY NUMBER 31

If the answer to Interrogatory number 30 is no, please describe in detail just what you and or Integrated Environmental Management, Inc., were engaged to do.

INTERROGATORY NUMBER 32

Page 14 of Appendix C of your December 10, 1996, letter to Mr. Robert Slack states: "However, a survey of the exit port of the camera was not performed at that time." Was this information provided to you by Mr. Slack or someone associated with Conam Inspection, Inc.?

INTERROGATORY NUMBER 33

If the answer to Interrogatory number 32 is yes, please identify who provided the information to you.

INTERROGATORY NUMBER 34

If the answer to Interrogatory number 32 is yes, did you then, or do you now, have any reason to believe that you were provided with incorrect information by any person associated with Conam Inspection, Inc.?

INTERROGATORY NUMBER 35

If the basic origin of the information, "However, a survey of the exit port of the camera was not performed at that time," was your footnote 24 (ref. letter to Michael Creech from Cynthia Pederson, NRC, dated November 18, 1996), did any person associated with Conam Inspection, Inc., ever, in any way, tell you that that information was incorrect?

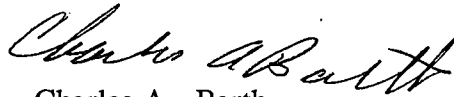
INTERROGATORY NUMBER 36

Do you believe that any person associated with Conam Inspection, Inc., would have provided you with incorrect factual information or conflicting instructions regarding the exposure of Mr. Chastain and the attending circumstances?

INTERROGATORY NUMBER 37

Set forth in specific detail, by name, date, method, and substance (what you said and what they said), all communications subsequent to April 9, 1998, which occurred between you and Conam Inspection, Inc., or any person associated with Conam Inspection, Inc., regarding the factual content of any and all of your answers to these Interrogatories.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Charles A. Barth".

Charles A. Barth
Counsel for the NRC Staff

Dated at Rockville, Maryland
this 9th day of April 1998

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'98 APR -9 P 4 :22

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

In the Matter of)	
)	Docket No. 30-31373-CivP
CONAM INSPECTION, INC.)	
Itasca, Illinois)	ASLBP No. 98-735-01-CivP
)	
(Order Imposing Civil Monetary Penalty))	
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF INTERROGATORIES TO CAROL D. BERGER CONSULTANT TO CONAM INSPECTION, INC" in the above-captioned proceedings have been served on the following by deposit in the United States mail, first class; or as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system this 9th day of April 1998.

Charles Bechhoeffer, Chairman*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555
Fax: 301-415-5599

Dr. Richard F. Cole*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555
Fax: 301-415-5599

Dr. Charles N. Kelber*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555
Fax: 301-415-5599

Clifton A. Lake, Esq.
McBride Baker & Coles
500 West Madison Street, 40th Floor
Chicago, Illinois 60661-9350

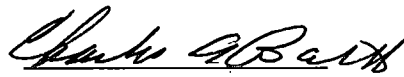
Regional Administrator.
US Nuclear Regulatory Commission
Region III
801 Warrenville Road
Lisle, Illinois 60532

Office of Commission Appellate
Adjudication*
Mail Stop: O-16 G15
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Adjudicatory File* (2)
Atomic Safety and Licensing Board
Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Atomic Safety and Licensing Board
Panel*
Mail Stop: T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Secretary* (2)
Attn: Rulemakings and
Adjudications Staff
Mail Stop: O-16 G15
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555



Charles A. Barth
Counsel for NRC Staff