

U.S. NUCLEAR REGULATORY COMMISSION

REGION III

Report No. 030-13803/92001(DRSS)

Docket No. 030-13803

License No. 21-18504-01

Category E1

Priority 4

EA 92-236

Licensee: R. S. Scott Associates, Inc.
405 River Street
Alpena, MI 49707

Meeting Conducted: December 29, 1992, By Telephone

Type of Meeting: Enforcement Conference

Inspector:

Michael F. Kurth
Michael F. Kurth
Radiation Specialist

12/30/92
Date

Reviewed By:

Gary L. Shear
Gary L. Shear, Chief
Nuclear Materials Inspection
Section 2

12/30/92
Date

Approved By:

Roy J. Caniano
Roy J. Caniano, Acting Chief
Nuclear Materials Safety
Branch

12/30/92
Date

Enforcement Conference Summary

Enforcement Conference on December 29, 1992 (Report No. 030-13803/92001(DRSS))

Areas Discussed: This conference included a review of the apparent violations and areas of concern, additions or corrections to the factual information in the inspection report, the licensee's position with respect to the apparent violations and areas of concern, additional supporting information, the licensee's corrective actions, and a discussion of the enforcement options available to the NRC.

DETAILS

1. Persons Participating in the Telephone Conference

R. S. Scott Associates, Inc.

Glen Smolinski, Co-Owner and Radiation Safety Officer

U.S. Nuclear Regulatory Commission

William L. Axelson, Deputy Director, Division of Radiation Safety
and Safeguards, Region III

Robert W. DeFayette, Director, Enforcement and Investigation
Coordination Staff, Region III

Bruce A. Berson, Legal Counsel, Region III

Roy J. Caniano, Acting Chief, Nuclear Materials Safety Branch,
Region III

Gary L. Shear, Chief, Nuclear Materials Inspection Section 2,
Region III

Paul R. Pelke, Enforcement Specialist, Region III

Michael F. Kurth, Radiation Specialist, Region III

Linh Tran, Enforcement Specialist, Office of Enforcement (via telephone)

2. Enforcement Conference

A telephone conference was held December 29, 1992, as a result of the preliminary findings of the inspection performed November 18-21, 1991, and the subsequent OI investigation, in which two apparent violations of NRC requirements and two areas of concern were identified. These preliminary findings were documented in Inspection Report No. 030-13802/91002(DRSS), transmitted to the licensee by letter dated December 14, 1992.

The purposes of this conference were to: (1) discuss the apparent violations and areas of concern, the root causes, safety significance and the licensee's corrective actions; (2) determine if there were any escalating or mitigating circumstances; (3) provide the licensee the opportunity to point out any errors in our inspection report; and (4) obtain any information which would help determine the appropriate enforcement action.

The licensee described the events which led to the apparent violations, including root causes, safety significance, and their corrective actions. The licensee took exception to the area of concern raised during the investigation pertaining to the exposure of the source rod prior to placing the source rod into the hole in the ground. The licensee stated that he questioned each authorized moisture/density gauge user employed by the company about this issue and each user

indicated they had never conducted tests in this manner. The gauge users indicated that they would properly expose the source rod after placing the gauge on the ground. Therefore, based on the information provided by the licensee during the conference this is not considered an area of concern.

The licensee presented their corrective actions for the apparent violations and area of concern, as follows.

The licensee indicated that within two weeks after the enforcement conference a formal meeting will be held with all moisture/density gauge users employed by the company discussing the inspection report (030-13803/91002(DRSS)) and its findings. Also, other items to be included in this meeting will be a review of the company's NRC license, its requirements, and in particular, the users' responsibility to maintain constant surveillance of the gauges at all times while at temporary job sites, and the users' responsibility to wear their film badges at all times while operating the gauge.

Also, the licensee indicated that after this meeting, monthly meetings will be held with the gauge users to discuss applicable radiation safety issues involving the safe use of the gauges.

In order to monitor compliance with the company's NRC requirements, the radiation safety officer will continue his practice of frequent, unannounced audits of the gauge users, and will pay particular attention to the users' control of the gauges and their wearing of film badges while operating the gauges.

The meeting was closed by NRC representatives with a discussion of the NRC Enforcement Policy. The licensee was told that further enforcement actions were possible, and they would be notified in the near future of the final enforcement action.