



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

November 5, 1996

EA: 96-380

Mr. Gary K. Bradley
Corporate Safety and Health Manager
The Terracon Companies, Inc.
16000 College Boulevard
Lenexa, Kansas 66219

SUBJECT: NRC INSPECTION REPORT 030-32176/96-02

Dear Mr. Bradley:

On October 10, 1996, the NRC completed an inspection at your Boise, Idaho, facility. The enclosed report presents the scope and results of that inspection. This reactive inspection was conducted in response to telephonic notification received from you on August 29, 1996, concerning a moisture/density gauge damaged by construction equipment at a temporary jobsite. At the conclusion of the inspection, the inspection findings were discussed with you during a telephonic exit briefing on October 10, 1996.

Based on the results of this inspection, an apparent violation was identified and is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The apparent violation involved a failure to maintain surveillance and control of a portable moisture/density gauge containing licensed material while the gauge was located in an unrestricted area. Specifically, a portable moisture/density gauge was damaged by construction equipment at a temporary job site when the user failed to maintain adequate surveillance of the gauge. As discussed with you during the telephonic exit briefing, the NRC normally considers failures to provide adequate security or surveillance of licensed materials that are stored or in use in unrestricted areas to be a significant concern. Ensuring that gauge users provide adequate surveillance of portable gauges while in use and take appropriate steps to secure them when not in use is of particular importance at construction sites where vehicular traffic may be heavy and there is greater potential for accidents to occur.

The circumstances surrounding the apparent violation, the significance of the issues, and the need for lasting and effective corrective action were discussed with you and members of your staff during exit briefing on October 10, 1996. As a result, it may not be necessary to conduct a predecisional enforcement conference in order to enable the NRC

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to make an enforcement decision. However, a Notice of Violation is not presently being issued for these inspection findings. Before the NRC makes its enforcement decision, we are providing you an opportunity to either (1) respond to the apparent violations addressed in the inspection report within 30 days of the date of this letter or (2) request, within 7 days of the date of this letter, a predecisional enforcement conference.

Your response should be clearly marked as a "Response to An Apparent Violation in Inspection Report No. 030-32176\96-02" and should include for each apparent violation: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response should be submitted under oath or affirmation and may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

If you choose not to provide a response and would prefer participating in a predecisional enforcement conference, please contact Linda L. Howell at (817) 860-8213 within 7 days of the date of this letter.

In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

The Terracon Companies, Inc.

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Should you have any questions concerning this inspection or the enclosed report, please contact Linda L. Howell at telephone number noted above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ross A. Scarano".

Ross A. Scarano, Director
Division of Nuclear Materials Safety

Docket: 030-32176
License: 15-27070-01

Enclosures:

1. NRC Inspection Report 030-32176\96-02
2. NRC Enforcement Policy, NUREG-1600

cc w/Enclosure 1:
Kansas Radiation Control Program Director
Idaho Radiation Control Program Director

bcc w/Encl.1 to DMB (IE07)

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WLBrown

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DACool, NMSS (MS:TWFN:8-F5)

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