

November 1, 1996

Docket No. 030-34012

License No. 08-30263-01

Mr. Roy A. Burke  
VP - Administration/Compliance  
Fort Myer Construction Corp.  
2237 33rd Street, N.E.  
Washington, D.C. 20018-1594

SUBJECT: INSPECTION NO. 030-34012/96-001

Dear Mr. Burke:

This refers to your letter dated September 6, 1996, in response to our letter dated August 28, 1996. This letter also refers to the telephone messages between Mr. Brent Ward of Health Physics Services, Inc. (HPSI) and Mr. Steven Courtemanche on October 11 and 15, 1996, telephone discussions between you and Mr. Courtemanche on October 16, 1996, and telephone discussions between Mr. Johannes Waaldijk of the Government of the District of Columbia, Department of Public Works and Mr. Courtemanche on October 17, 1996.

Thank you for informing us of the corrective actions you documented in response to our correspondence. Your correspondence did not document actions taken by you to prevent possible recurrence of the apparent items of noncompliance in our August 28, 1996 letter. From the telephone discussion of October 16, 1996 between Mr. Courtemanche and yourself, it was determined that you have established a system to keep track of the next time leak tests and training will be due. In addition, lists showing when the sealed sources are due for leak testing and training dates, for authorized users, are posted on the gauge storage cabinet. Further, any new authorized users' training credentials will be reviewed for completeness prior to their performance of licensed activities. These actions shall be examined during a future inspection of your licensed program.

We note that you have denied the validity of the three apparent items of noncompliance cited in our August 28, 1996 letter and have supplied documents to support your position. Items A.1 and A.2 from our letter concern the hazmat training that was not received by one individual who transported hazardous material on public highways. Exhibits 1 - 5 of your correspondence indicate that the individual received the Troxler training course in 1987 and training in Basic Radiation Safety from HPSI in 1992 through 1995. Mr. Courtemanche contacted Mr. Ward and determined that the Basic Radiation Safety course given by HPSI did not meet the requirements of 49 CFR 172.704 or 177.816 and thus these two apparent items of noncompliance stand.

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Item B of our letter concerns the failure to perform a leak test of the sealed source in the Troxler 3241C within the required six month interval. You state in your correspondence that 1) the Troxler 4640B gauge was due for leak testing by September 22, 1996, 2) the Troxler 3241C is owned by the District of Columbia Department of Public Works, and 3) you erroneously believed that they would be responsible for ensuring compliance with their NRC license. Exhibit 6 correctly shows that the Troxler 4640B was due for leak testing by September 22, 1996, however, this was not an issue during the inspection. Exhibit 11 is a memorandum dated April 20, 1996, from J. Waaldijk of the Government of the District of Columbia (DC) to you. Mr. Waaldijk states in the memo that the Troxler 3241C gauge is the property of DC but that "you will be responsible for such matters as safety, security and inventory, etc., consistent with your licensing obligations during these periods." Mr. Courtemanche contacted Mr. Waaldijk and confirmed that even though the 3241C gauge is owned by DC, the intent of the April 20, 1996 letter was to transfer possession of the gauge to your company. Therefore, ensuring that all the requirements of the regulations and your license, including the leak testing of the gauge's sealed sources, was the responsibility of your radiation safety program. Since the 3241C gauge was transferred to your possession and the gauge's sealed sources were not tested six months from the previous leak test (i.e., July 29, 1996 was the due date), then Item B of our Notice of Violation stands.

No reply to this letter is required unless your understanding differs from that described above.

Thank you for your cooperation in this matter.

Sincerely,

Charles W. Hehl, Director  
Division of Nuclear Materials Safety

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Docket No. 030-34012  
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cc:  
District of Columbia

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Radiation Safety Officer  
Government of the District of Columbia  
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Mr. Brent Ward  
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