



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

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

December 24, 1996

EA 94-131
EA 96-448

ASLBP Nos.: 94-699-09-EA
95-702-01-EA-2
95-703-02-EA

John C. Phillips, Esq.
912 Main Street
P.O. Box 514
Evanston, Wyoming 82931

SUBJECT: WESTERN INDUSTRIAL X-RAY INSPECTION COMPANY, INC.

This refers to your letter dated November 14, 1996, requesting clarification regarding the next program audit to be performed under the Final Initial Order, Attachment A, "Stipulation for Settlement of Proceedings" (Order), issued by an NRC Atomic Safety and Licensing Board on November 16, 1995. The Order required, among other items, that independent audits be performed of Western Industrial X-Ray Inspection Company, Inc.'s (WIX) radiation safety program at specified intervals.

The Order specified that the initial program audit be performed at about 3 months, and no later than 6 months, following the resumption by WIX of NRC-licensed activities. WIX resumed radiographic operations in December 1995 and the first audit required under the Order was not performed until August 1996. This issue is discussed in our letter and Notice of Violation dated November 15, 1996. You questioned whether the second audit required under the Order could be performed at an interval approximately 6 months after the first audit, or whether the second audit should be performed in December 1996.

As Ms. Linda Howell of this office discussed with you on December 13, 1996, the Order states that following the initial audit, subsequent audits will be performed every 6 months. We have determined that, although WIX did not ensure that the initial audit was performed within the time period specified in the Order, the delay in conducting the initial audit should not affect intervals prescribed for subsequent audits. The intent of the Order is that subsequent audits be performed at regular intervals, or every 6 months after the initial audit. In order to comply with the terms of the Order, WIX must ensure that the second audit is conducted at 6 months following the initial audit, or by the end of February 1997.

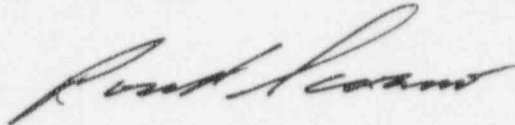
9612270045 961224
PDR ADOCK 03032190
C PDR

John C. Phillips, Esq.

-2-

Should you have any questions concerning this letter, please contact Ms. Howell at (817) 860-8213.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross A. Scarano". The signature is fluid and cursive, with a large initial "R" and "S".

Ross A. Scarano, Director
Division of Nuclear Materials Safety

Docket: 030-32190
License: 49-27356-01

cc:
Wyoming Radiation Control Program Director

IE07

John C. Phillips, Esq.

-3-

bcc:

LJCallan

SJColiins

JLieberman, EO MS: O-7H5

DACool, NMSS(T-8F5)

LWCamper, NMSS(T-8F5)

GFSanborn

WLBrown

RAScarano

CLCain

DBSpitzberg

LLHowell

FAWenslawski

RALeonardi

NMI&FC\DB

MIS System

e-mail distrib. by Div.
OEMAIL

DOCUMENT NAME: G:\NMIS.O\WIX.LLH

To receive copy of document, indicate in box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

RIV:C:NMI&FCDB	EO	ADD:DNMS	D:DNMS		
*LLHowell wP	*GFSanborn	CLCain	RAScarano		
12/22/96	12/23/96	12/ /96	12/ /96		

*Previously concurred

OFFICIAL RECORD COPY

270007

110

John C. Phillips, Esq.

-3-

bcc:

LJCallan

SJCollins

JP Lieberman, EO MS: O-7H5

DACool, NMSS(T-8F5)

LWCamper, NMSS(T-8F5)

GFSanborn

WLBrown

RAScarano

CLCain

DBSpitzberg

LLHowell

FAWenslawski

RALeonardi

NMI&FC\DB

MIS System

e-mail distrib. by Div.
OEMAIL

DOCUMENT NAME: G:\NMIS.O\WIX.LLH

To receive copy of document, indicate in box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

RIV:C:NMI&FCDB	EO	ADD:DNMS	D:DNMS		
*LLHowell wp	*GFSanborn	CLCain	RAScarano		
12/22/96	12/23/96	12/27/96	12/29/96		

*Previously concurred

OFFICIAL RECORD COPY

John C. Phillips, Esq.

-3-

bcc:

LJCallan

SJCollins

JP Lieberman, EO MS: O-7H5

DACool, NMSS(T-8F5)

LWCamper, NMSS(T-8F5)

GFSanborn

WLBrown

RAScarano

CLCain

DBSpitzberg

LLHowell

FAWenslawski

RALeonardi

NMI&FC\DB

MIS System

e-mail distrib. by Div.

OEMAIL

DOCUMENT NAME: G:\NMIS.O\WIX.LLH

To receive copy of document, indicate in box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

RIV:C:NMI& FCDB	EO	ADD: DNMS	D:DNMS
LLHowell	GFSanborn	CLCain	RAScarano
12/19/96	12/19/96	12/19/96	12/19/96

OFFICIAL RECORD COPY