



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

December 26, 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. 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.

During the inspection a violation of NRC requirements was identified. The 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. This violation is cited in the enclosed Notice of Violation (Notice). After reviewing your Response to an Apparent Violation dated November 14, 1996, we agree that a violation of 10 CFR 20.1801 did not occur. However, we believe a violation of 10 CFR 20.1802 did occur and note that in your Response you concur. Please note that you are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, 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.

-2-

Should you have any questions concerning this letter, please contact Robert A. Brown at (817)860-8130 or Linda Howell at (817)860-8213.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross A. Scarano", written in a cursive style.

Ross A. Scarano, Director
Division of Nuclear Materials Safety

Docket No.: 30-32176
License No.: 15-27070-01

Enclosure:
Notice of Violation
30-32176/96-02

cc w/enclosure:
Idaho Radiation Control Program Director
Kansas Radiation Control Program Director

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