



Federal Emergency Management Agency

Washington, D.C. 20472

January 27, 1997

Docket No. 030-07130
License No. 08-01297-06

Ms. Jenny Johansen, Chief
Nuclear Materials Safety Branch 3
Division of Nuclear Materials Safety
U.S. Nuclear Regulatory Commission, Region I
475 Allendale Road
King of Prussia, Pennsylvania 19406-1415

Dear Ms. Johnson:

This is the Federal Emergency Management Agency's Reply to a Notice of Violation found during ROUTINE INSPECTION NO. 030-07130/96-001. Our response to each violation is listed below.

A. Condition 11. A. of License No. 08-01297-06 requires that licensed material be used by, or under the supervision of individual's designated by the licensee's Radiological Control Committee chaired by a named individual.

Reason for the Violation: Contrary to the above, from November 15, 1996, through December 17, 1996, the licensee's Radiological Control Committee was not chaired by the individual named on the license. Specifically, the named Chairman of the Radiological Control Committee was reassigned to other duties effective November 15, 1996, for the period indicated above.

Corrective Steps to be Taken to Avoid Further Violations: The person (Mr. Vernon Wingert), specified on the license, has been reassigned back to the position as the Chair. The NRC was notified of this action in the monthly report dated December 31, 1996. On January 22, 1997, the RCC voted to retain me as the Chairperson of the RCC. Before any changes are made in the future to the individuals named on the license, the names will be sent to the NRC for review and approval.

Date When Full Compliance will be Achieved: Full compliance was achieved on December 31, 1996 when formal notification to the NRC was made.

B. Condition 10. of License No. 08-01297-06 requires, in part, that licensed material item Nos. 6.C, 6.E, 6.F, 6.G, 6.I, and 6.J may be used at the licensee's facilities at FEMA Radiological Instrumentation Test Facility, Special Facility, Berryville, Virginia. Specifically, licensed material is used and stored in Bluemont, Virginia.

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Contrary to the above, as of December 17, 1996, licensed material item Nos. 6.C, 6.E, 6.F, 6.G, 6.I, and 6.J, were not used at the licensee's facilities at FEMA Radiological Instrumentation Test Facility, Special Facility, Berryville, Virginia. Specifically, licensed material is used and stored in Bluemont, Virginia.

Reason for the Violation: The physical location of the FEMA Radiological Instrumentation Test Facility, Mt. Weather Emergency Assistance Center, is 19844 Blue Ridge Mountain Road, Bluemont, Virginia 22012. The official mailing address is P.O. Box 129, Berryville, Virginia.

Corrective Steps Taken and Results Achieved: As part of the process to update our NRC license FEMA will forward a license amendment to the NRC to accurately reflect the physical location of our licensed radiological sources.

Date When Full Compliance will be Achieved: February 28, 1997.

C. License condition 13 of NRC license No. 08-01297-06 require that a leak test be conducted at required frequencies.

Contrary to the above, as of December 17, 1996, leak tests were not conducted at required frequencies. Specifically, leak tests were conducted on February 22, 1996, and October 10, 1996, (a period exceeding six months).

Reason for the Violation: As the Inspection Report indicated the leak tests were conducted at an interval of more than six months.


Corrective Steps Taken and Results Achieved: FEMA will take necessary actions to ensure adherence to all NRC licensing requirements, including procedures to meet all NRC requirements and deadlines.

Corrective Steps to be Taken to Avoid Further Violations: All deadlines will be charted on a master calendar so all members of the RCC will be aware of them. The RCC Chair will instruct the RSO that he is to meet all deadlines. FEMA plans to place all remaining sources into permanent storage and, therefore, will not require leak tests, except when removed from permanent storage for shipment.

Date When Full Compliance will be Achieved: February 28, 1997.

If you have any questions regarding this letter, please contact me at (202) 646- 2872.

Sincerely:


Vernon Wingert, Chairperson
Radiation Control Committee

cc: Kay C. Goss, Associate Director (PT)
Robert P. Fletcher, Jr.
Elaine Chan (OGC)
Jose Cortes (Agency RSO)