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February 12, 1986

Director, Office of Inspection and Enforcement
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Mr. James Taylor

Dear Mr. Taylor:

This letter presents our response to Mr. Robert D. Martin's, Nuclear Regulatory Commission, Regional Administrator, Region IV, letter dated January 17, 1986 pertaining to NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTIES, NRC INSPECTION REPORT NO. 30-12037/85-01 AND 30-12037/85-02.

We prepared our initial response to the apparent violations in our letter addressed to Mr. Richard L. Bangart, Director, Division of Radiation Safety and Safeguards, U.S. Nuclear Regulatory Commission, Region IV, dated November 20, 1985. A copy of that letter is attached. Because of our program modifications and commitments made in that letter, we request that letter be included with this response. We have referenced that letter in our response to the violations.

Our response to each of the violations is as follows:

Violation No. 1: Surveys (evaluations) were not made to ensure compliance with 10 CFR 20.101.

Response:

- (1) We admit that surveys required by 10 CFR 20.201(b) were not made to ensure compliance with 10 CFR 20.101.
- (2) This violation occurred because of poor supervision and management policies.
- (3) The corrective steps taken are outlined in our letter dated November 20, 1985 in response to apparent Violations No. 1 through No. 4. This violation has been corrected.
- (4) The corrective steps taken to avoid further violations including improved supervision and management policies are presented in our letter dated November 20, 1985 in response to apparent Violations No. 1 through No. 4.

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(5) We are in full compliance as of November, 1985.

Violation No. 2: Individual radiation measurement devices are not in conformance with License Condition No. 18.

Response:

- (1) We admit that one individual did not have an individual film badge to measure radiation exposure.
- (2) This violation occurred because of poor supervision and management policies.
- (3) The corrective steps taken are presented in our letter dated November 20, 1985 under our response to apparent Violation No. 7. This violation has been corrected.
- (4) The corrective steps taken to avoid further violations are outlined in our letter dated November 20, 1985 in our response to apparent Violation No. 7.
- (5) We are in full compliance as of November, 1985.

Violation No. 3: License Condition No. 12 requires license material to be used only by or under the direct supervision and in the physical presence of other licensed employees who have completed the Troxler Training Course.

Response:

- (1) We admit that several licensed employees who had not completed the Troxler Training Course or who were not under the supervision and physical presence of other licensed employees who had completed the Troxler Training Course used moisture-density devices containing licensed material.
- (2) This violation occurred because in the past we have allowed employees to temporarily use these gauges after they have been thoroughly trained under our in-house nuclear training program supervised by Mr. Raymond Martinez. We now understand that our in-house training program supervised by Mr. Martinez is not an accepted training program.
- (3) The corrective steps taken are outlined in our letter dated November 20, 1985 in our response to apparent Violation No. 5. This violation has been corrected.
- (4) The corrective steps taken to avoid further violations are outlined in our letter dated November 20, 1985 in our response to apparent Violation No. 5.
- (5) We are in full compliance as of November, 1985.

Violation No. 4: Leak tests are not being conducted in conformance with License Condition No. 13.

Response:

- (1) We admit that our sealed sources containing licensed material were not tested for leakage or contamination at six month intervals.
- (2) This violation occurred because of poor supervision and management policies.
- (3) The corrective steps taken are outlined in our letter dated November 20, 1985 in our response to apparent Violation No. 6. This violation has been corrected.
- (4) The corrective steps taken to avoid further violations are outlined in our letter dated November 20, 1985 in response to apparent Violation No. 6.
- (5) We are in full compliance as of November, 1985.

Violation No. 5: License Condition 16 requires that the licensee shall conduct a physical inventory every six months to account for all sealed sources received and possessed under the license.

Response:

- (1) We admit that no records of the physical inventories have been kept.
- (2) This violation occurred because of poor supervision and management policies.
- (3) The corrective steps taken are outlined in our letter dated November 20, 1985 in our response to apparent Violation No. 9. This violation has been corrected.
- (4) The corrective steps taken to avoid further violations are outlined in our letter dated November 20, 1985 in our response to apparent Violation No. 9.
- (5) We are in full compliance as of November, 1985.

Violation No. 6: Receipt records were not available for devices containing radioactive sources received at the licensee's Rock Springs, Wyoming facility.

Response:

- (1) We deny the allegation; however, our office manager Mr. Pat Bullinger could not produce the receipt records during the inspection even though the information was available in his office.

- (2) No Comment.
- (3) We have followed Mr. Ricketson's suggestion and prepared a form to maintain records of when a gauge was received and possessed.
- (4) Mr. Pat Bullinger is aware of the location of the receipt records and is using the above mentioned form.
- (5) We are in full compliance as of November, 1985.

Violation No. 7: Copies of 10 CFR Parts 19 and 20 were not posted in the Rock Springs office as required by 10 CFR 19.11(a) and (b).

Response:

- (1) We admit the documents were not posted in our Rock Springs, Wyoming facility on August 27, 1985.
- (2) The violation occurred because of poor supervision and management policies.
- (3) The corrective steps taken are outlined in our letter dated November 20, 1985 in our response to apparent Violation No. 11. This violation has been corrected.
- (4) Periodic inspection and improved management supervision will be implemented to ensure that this violation does not occur.
- (5) We are in full compliance as of November, 1985.

Violation No. 8: Licensed material was not transported as outlined in 10 CFR 71.5(a) and 49 CFR 177.842(d).

Response:

- (1) We admit the gauges were not being transported in accordance with 10 CFR 71.5(a) and 49 CFR 177.842(d).
- (2) The violation occurred because of poor supervision and management policies.
- (3) The corrective steps taken are outlined in our letter dated November 20, 1985 in our response to apparent Violation No. 8. This violation has been corrected.
- (4) The corrective steps taken to avoid further violations are outlined in our letter dated November 20, 1985 in our response to apparent Violation No. 8.
- (5) We are in full compliance as of November, 1985.

Under separate cover we are paying the assessed \$500.00 civil penalty. We trust that this completes our response to the violations and that our modified program is in compliance with the Nuclear Regulatory Commission and our license requirements. If you have questions, please call.

Sincerely,

CHEN & ASSOCIATES, INC.

BY Kenneth E. Temme
Kenneth E. Temme, P.E.

KET:bec

cc: Mr. Robert Martin
Regional Administrator
Nuclear Regulatory Commission
Region IV

Mr. Julius E. Haes, Jr., MPH
Wyoming Radiation Control Program Director

STATE OF WYOMING)
) SS.
COUNTY OF NATRONA)

KENNETH E. TEMME, of lawful age, being duly sworn upon his oath, deposes and states: He has read the foregoing, knows the contents thereof, he has signed the same, and same are true to the best of his knowledge, information and belief.

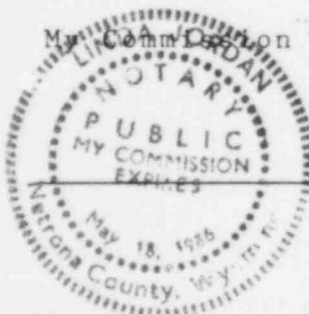

Kenneth E. Temme

Acknowledged, subscribed and sworn to before me this 13th day of February, 1986, by Kenneth E. Temme.

WITNESS my hand and notarial seal.

Linda Garban
Notary Public

My Commission expires:



Chen & Associates