



INTERSTATE NUCLEAR SERVICES
A SUBSIDIARY OF UNIFIRST CORPORATION

June 5, 1997

Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555

CC: Regional Administrator, Region 1
Jenny M. Johansen, Chief, Nuclear Materials Safety Branch 3
Division of Nuclear Materials Safety

SUBJECT: License Number: 37-13341-01
Reference or Docket Number: 030-209 94
May 13, 1997, Notice of Violation (NOV)

To whom it may concern:

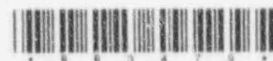
This is to acknowledge receipt of NRC's Notice of Violation dated May 13, 1997, and to transmit INS' response. The NOV cites three instances in which NRC specifies that activities conducted by INS were not in full compliance with applicable regulations. In the paragraphs which follow, each citation is addressed according to instructions provided in the NOV.

Item A

"10 CFR 20.1801 requires that the licensee secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas. 10 CFR 20.1802 requires that the licensee control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage. As defined in 10 CFR 20.1003, controlled area means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee for any reason; an unrestricted area means an area, access to which is neither limited nor controlled by the licensee.

Contrary to the above, as of March 24, 1997, the licensee did not secure from unauthorized removal or limit access to twelve unlocked sealand containers containing contaminated equipment and packaged radioactive waste located in the storage yard of the licensee's facility which is a controlled area, nor did the licensee control and maintain constant surveillance of this licensed material."

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REPLY TO A NOTICE OF VIOLATION

Basis for Disputing the Violation

INS agrees that, as a matter of good management practices, additional security for radioactive materials in a restricted area outside of a secure building may be appropriate. INS disputes, however, Item A of the NOV on the basis that the area in concern is classified as a restricted area and not as a controlled area as indicated in the citation. The designation of this area is contained in Appendix B, section III of the license application. The cited regulations are not applicable to the area described in the NOV.

Access to the area in question is controlled by a locked gate. Fencing around the plant has recently been refurbished to provide additional assurance that access is adequately controlled. Furthermore, INS employees receive initial and annual training in which they are instructed to maintain access to the restricted area using locks or by direct observation. Visitors are either trained to the same level as employees or escorted continuously while on site.

Locks were installed on all trucks, trailers, and sea land containers parked at the facility shortly following the inspection. INS has instructed management at all INS plants to immediately lock containers of radioactive materials at all facilities, and added the following requirement to the procedure governing shipments of radioactive materials:

All trucks, trailers, sealand containers, and other containers in which radioactive materials are stored must be locked, guarded, or otherwise protected from unauthorized entry. (Trailers parked against a loading dock in such a way as to prevent access except from within a secure building and containers stored within a secure building are considered so protected.)

Item B

"10 CFR 20.1904(a) requires the licensee to ensure that each container of licensed material bears a durable, clearly visible label bearing the words, "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL." The label must also provide sufficient information (such as the radionuclide(s) present, an estimate of the quantity of radioactivity, the date for which the activity is estimated etc.) to permit individuals handling or using the containers, or working in the vicinity of the containers, to take precautions to avoid or minimize exposures."

"Contrary to the above, on March 19, 1997, a container of sludge contaminated with mixed fission and activation products did not bear a label that identified the radionuclides or the quantity of radioactivity, nor did it otherwise bear sufficient information to permit individuals handling or using the container, or working in the vicinity of the container, to take precautions to avoid or minimize exposure."

(1) Reason for Occurrence

The procedure governing operation of the sludge drying system provides for labeling after the drum is completely full. The drum was not full at the time of the inspection. Therefore, the point in the internal procedure at which labeling is explicitly required had not been reached. Even before the inspection, all personnel responsible for adding radioactive materials to the drum received instruction on how and when to properly label the sludge drum. This training was conducted after a previous internal audit in which the sludge drum was observed to contain radioactive material without being labeled. The person responsible for adding the radioactive material to the drum and for failing to apply the label inadvertently failed to perform as instructed.

(2) Corrective Action

The drum was immediately labeled (during the inspection).

(3) Prevention of Recurrence

- a) The procedure governing filling of sludge drums will be changed to explicitly require labeling immediately upon addition of radioactive material to the drum.
- b) To emphasize the importance of labeling the sludge drum immediately upon addition of radioactive material, the responsible individual was counseled according to INS human resource management policies.
- c) Management at all INS facilities was informed of this occurrence, and all Plant Managers have been instructed to ensure that containers are properly labeled.

(4) Date When Corrective/Preventive actions will be complete:

Corrective actions with the exception of item a) above are complete. Item a) will be completed by August 6, 1997.

Item C

"Condition 18 of License No. 37-23341-01 requires that the licensee conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, in a letter dated October 30, 1996.

Appendix B, Section 2 of the enclosure, requires, in part, that incoming containers of contaminated items be surveyed for radiation and loose contamination when they are unloaded from the truck.

Contrary to the above, on March 20, 1997, the licensee failed to survey the containers of contaminated items for radiation when they were unloaded from the truck. Specifically, the licensee performed a radiation survey of the containers of contaminated items with an inoperable survey meter."

(1) Reason For Occurrence

The survey was performed with an instrument whose batteries were dead. The person performing the survey was not aware that the instrument was not functioning properly. Apparently, the individual had not performed a battery check immediately prior to performing the survey as specified in INS procedures.

(2) Corrective Action

The instrument was replaced and all affected containers were immediately resurveyed.

(3) Prevention of recurrence

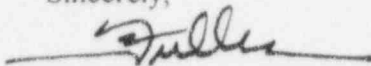
Personnel who perform health physics tasks are trained and qualified on a task basis in accordance with INS procedures. The individual who performed the survey was previously trained and certified. In order to ensure that personnel performing surveys perform the necessary pre-operational checks, INS will provide re-training to all qualified personnel on methods to ensure instruments are operating properly during conduct of surveys.

(4) Date when corrective/preventive actions will be complete

Retraining of personnel will be completed by August 15, 1997. All other corrective actions have already been completed.

INS strives to comply with all applicable regulations to provide a safe workplace for its employees, and to protect public and the environment. INS management has implemented measures to proactively identify and correct problems, and has compiled a good record of regulatory compliance. INS takes the violations described in the subject NOV very seriously. INS has thoroughly investigated the specified occurrences and has taken actions to provide reasonable assurance that similar events will not occur in the future. To the extent practicable, INS has applied corrective actions to all INS plants. I trust the information provided in this response is sufficient, however, if you require further information or if you have any questions regarding any of the responses provided, please do not hesitate to contact me at the phone number indicated on the letterhead.

Sincerely,



Michael R. Fuller
Manager, Health Physics and Engineering
INS Corp.

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