

June 30, 1997

Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: Reply to a Notice of Violation
NRC Inspection No. 030-31452/97-001
Docket No. 030-31452
License No. 37-28465-01

Civil & Environmental Consultants, Inc. (CEC) has reviewed your letter dated June 20, 1997 regarding the NRC safety inspection of activities authorized by the above referenced license and the attached Notice of Violation. As required, we are responding to the Notice of Violation.

The NRC violation or comment is presented below in bold type followed by our response.

1. Violation A

Licensee did not ensure that each of its Hazmat employees were tested by appropriate means on the training subjects covered in 49 CFR 172.704. Specifically, Hazmat employees who transported gauges containing approximately 8 and 40 millicuries of cesium-137 and americium-241, respectively, without supervision on the public highways, who had received in-house Hazmat training were not appropriately tested as required.

Dispute of Violation

CEC provides annual refresher training to all gauge operators who are the only employees authorized to transport densometers. The training includes Hazmat training in accordance with 49 CFR 172, Subpart H. During the training each operator is verbally tested. A copy of the refresher training outline containing the Hazmat training is maintained on file. 49 CFR 172.702(d) does not specifically state that the test must be written. Certificates are maintained on file that state Hazmat training required by 49 CFR 172, Subpart H was completed. At the bottom of the certificate it states the operators have been properly trained and tested in accordance with the requirements of Civil & Environmental Consultants, Inc. materials license and 49 CFR 172, Subpart H. These certificates are maintained on file and were reviewed by the NRC inspector. A copy of one of the certificates is attached.

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In addition, all operators receive annual OSHA refresher training in accordance with 29 CFR 1910.120. The OSHA training also includes Hazmat training. In accordance with 49 CFR 172.704(b), duplicate training (training by the Radiation Safety Officer) is not required.

Corrective Measures

If a specific topic in our training has been identified by the NRC as inadequate or missing, please notify us so we can take correct actions. If we misunderstand the violation or have interpreted the regulations improperly please notify us and corrective measures will be taken. It was our understanding during the inspection that the violation was failure to document the testing. As stated above, based on our understanding of the regulations, we are properly documenting the Hazmat training and testing.

2. Violation B

Licensed material was not used by, or under the supervision and in the physical presence of, individuals who had successfully completed the manufacturer's training program for gauge users. Specifically, two individuals had received training from another licensee but had not successfully completed the manufacturer's training program and used licensed material without supervision.

Reason for Violation

This is a misunderstanding on our part. The two individuals had completed approved training courses and operated the gauges for several years prior to employment at CEC. We did not interpret the statement in the license to mean experienced operators, previously trained under an approved program, would have to be retrained. All employees we sent to be trained received the manufacturers training.

Corrective Measures

Of the two employees identified during the inspection that were not trained by the manufacturer, one has not been employed at CEC for several years. The other no longer operates a densometer. He will not be authorized to operate the gauge in the future unless he receives the manufacturer's training.



Ongoing Measures

It has always been our policy to send untrained employees to the manufacturer's training course. In the future, previously trained employees hired by CEC who have not received the manufacturer's training, will be retrained by the manufacturer.

Date of Compliance

CEC is currently in compliance with this requirement.

3. Response to NRC Comment in Cover Letter

An apparent programmatic weakness was noted by the inspector during the inspection concerning your oversight of the licensed activities conducted from your Cincinnati, Ohio facility. Interview of personnel by the inspector revealed that the Ohio facility apparently conducted licensed activities with minimal oversight from the Radiation Safety Officer at the corporate office. In your reply to the enclosed Notice, please indicate how you shall ensure more complete oversight over licensed activities at all locations, and how you will make available to the Commission for inspection, upon reasonable notice, records kept by you pursuant to the regulations for the entire program.

Reply

CEC has an employee at the Cincinnati, Ohio office that has been trained as a Radiation Safety Officer (RSO). The individual received RSO training from Troxler. In accordance with our letter dated April 26, 1995, and included in our license this individual performs the refresher training at the Cincinnati office. This individual is qualified and has been performing the RSO duties at that office.

In the future, the Radiation Safety Officer from the corporate office will visit the Cincinnati office annually to perform the audit and meet with the Cincinnati RSO. At

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that time a copy of the records maintained at the Cincinnati office will be filed at the corporate office for review by the NRC during future inspections. As requested, up to date records will be available to the NRC upon notice.

Very truly yours,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Jeffrey C. Woodcock, P.E.
Radiation Safety Officer

cc: Regional Administrator, Region 1

Enclosure

THIS DOCUMENT MAY BE USED TO VERIFY ANNUAL REFRESHER TRAINING AND HAZMAT
TRAINING REQUIRED BY 49CFR172, SUBPART H.

Scott Brown

NAMES

5/8/97

DATE

TOPICS COVERED APPLY TO RECOGNITION, LABELING, PREPARATION FOR TRANSPORT, TRANSPORTATION, REGULATORY COMPLIANCE, EMERGENCY RESPONSE, PERSONAL PROTECTION, AND ACCIDENT AVOIDANCE ONLY AS THEY APPLY TO RADIOACTIVE WHITE I AND YELLOW II PORTABLE GAUGING DEVICES.

**CIVIL & ENVIRONMENTAL CONSULTANTS INC.
601 HOLIDAY DRIVE FOSTER PLAZA 3
PITTSBURGH PENNSYLVANIA 15220**

Jeffrey C. Woodcock

INSTRUCTOR

I HEREBY CERTIFY THAT THE ABOVE NAMED EMPLOYEES HAVE BEEN PROPERLY TRAINED AND TESTED IN ACCORDANCE WITH THE REQUIREMENTS OF CIVIL & ENVIRONMENTAL CONSULTANTS, INC. MATERIALS LICENSE AND 49CFR172, SUBPART H.



COMPANY OFFICIAL

5/8/98

EXPIRATION DATE