

August 17, 2022

Mr. David Curtis
United States Nuclear Regulatory Commission - Region III
2443 Warrenville Road, Suite 210
Lisle, Illinois 60632-4352

RE: Response to the Apparent Violations in Inspection Report No. 03038010/2022001(DNMS)

Dear Mr. Curtis,

In response to your NRC Routine Inspection Report dated August 03, 2022. As the owner of TERRA Site Development Inc. (TERRA) I am submitting a written response in writing to the violations addressed in this inspection report as follows:

1. I am in full agreement of the violations reported in the inspection report. I understand the violation and the corrective actions needed to address the violation.
2. I do not request a Predecisional Enforcement Conference (PEC).

The response to the two (2) violations is as follows:

- 1) Reason for Violation:

Title 10 of the Code of Federal Regulations (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. First and foremost, I am in full agreement with the findings in the report and have no disputes. I was performing maintenance and an annual audit on the gauges and decided to remove all batteries as a result as the portable gauges were currently not in use and in storage only. My wife and I are in the process of renovating the property with the intent of selling the property by end of the year and move the portable gauges to my new office, which is about a mile from the house. I had decided to remove the battery from the gauges to prevent battery leakage. I had removed one of the Seaman Model C-300 gauges from the gauge storage cabinet and removed the battery and then decided to perform a leak test. However, the leak test kit was kept at the new office. Before I left for the office, I instructed my wife to keep an eye on the gauges. My wife needed access to the storage area (garage) as paint was being stored in the same garage. Renovations and painting were being performed on the adjoining residential home. My wife unfortunately left for about 20 minutes to drive a mile up the road to a gas station to buy something to drink. It was an unintentional mistake, as she locked the house etc but unfortunately forgot to close & lock the garage door prior to leaving, even though I had asked her to do it when I left for the office. As a result, we (TERRA) failed to control and provide constant surveillance of or use a minimum of two independent physical controls that form tangible barriers to secure from unauthorized removal a Seaman Model C-300 gauge containing 5.5 millicuries of radium-

226 that was not in storage and had been left unsecured and uncontrolled on the garage floor at the licensee's facility.

- **Title 10 CFR 30.34(i) requires that each portable gauge licensee use a minimum of two (2) independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.** As a result of the above actions, we (TERRA) failed to use a minimum of two independent physical controls that form tangible barriers to secure two portable gauges (a Seaman Model C-300 gauge containing 5.5 millicuries of radium-226 and a Troxler Model 3400 gauge containing 9 millicuries of cesium-137 and 44 millicuries of americium-241) from unauthorized removal, when the gauges were not under the control and constant surveillance of the licensee. The portable gauges were secured with only one tangible barrier to prevent unauthorized removal from the unlocked storage cabinet.

2) Corrective Steps:

As the owner of TERRA, I immediately placed the Seaman Model C-300 gauge in the case, locked and chained the case inside the storage cabinet. In addition, the 4th gauge that at the time of the inspection was secured in my vehicle was also moved back into the cabinet and chained and locked inside the cabinet. As a result, all four (4) gauges were appropriately locked and secured with two (2) independent physical barriers (by locking the cabinet) and also locking the garage overhead door as a third barrier.

The corrective action to prevent future recurrence is to only assign keys to access the garage overhead door, cabinet and gauge locks to the RSO and technicians that are certified to use and transport the portable gauges. Additional internal refresher safety training has been performed for those technicians to reiterate they are responsible to fulfill the safety requirements outlined **Title 10 of the Code of Federal Regulations (CFR) 20.1802** and in **Title 10 CFR 30.34(i)**.

Hopefully, this meets all your requested items listed in our letter. If you have any additional questions, please do not hesitate to contact me at (317) 690-1516 or via email: mbehrens@TERRAsitedev.com

Thank you again for your help and patience in working with me.
Sincerely,



Mark Behrens, BSCE
Principal - Engineering & Land Surveying

August 17, 2020

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