

12-21-00

662 Cromwell Avenue, St. Paul, MN 55114-1776
(651) 645-3601, Fax: (651) 659-7348

Director, Office of Enforcement
U.S. Nuclear Regulatory Commission, Region III
801 Warrenville Rd.
Lisle, Illinois 60532-4351

Subject: Answer to a Notice of Violation

Dear Madam or Sir:

Stork – Twin City Testing was notified of the NRC's decision to assess fines of \$11,000.00 for a Severity Level III violation at Deltak's Plymouth, MN facility. The violation was based on the failure to comply with the NRC's Two Man Rule during the period of 6-27-98 through 12-31-99. It was stated the fine was doubled from the base of \$5,500 due to the duration of the violation.

Stork – Twin City Testing is requesting a review of this fine on the following basis:

- 1) While we do not contest the violation, our actions were always consistent with safety requirements. No Twin City Testing employees were overexposed or subjected to unnecessary radiation. In addition, no Deltak employees or members of the general public were exposed to unnecessary radiation.
- 2) The amount of the fine was based on the duration of the infraction. It should be considered that the infraction incurred in June, 1998 and that Twin City Testing was wholly owned by Maxim, USA at that time. Stork purchased the company in May of 1999 and retained the same Chief Operating Officer. This officer did not bring this situation to the attention of Stork and the violation was allowed to continue under his direction. Stork has since replaced this officer and we have taken comprehensive steps to preclude any reoccurrence.
- 3) As presented during the hearing, this violation of the two man rule only occurred at one facility and no violations were found during a complete NRC audit of all other radiographic operations. We submit this violation was not indicative of our operation but was rather a management decision made by Maxim USA. This was not and will never be acceptable to Stork.

Based on the extenuating circumstances, Stork – Twin City Testing requests a reduction in the total fine assessed, and that the NRC consider Maxim USA's responsibility in this matter. We do not contest the violation, however, we feel an appropriate fine would be the original amount of \$5,500.00.

Respectfully submitted,



Matthew Horton
Chief Operating Officer
Stork – Twin City Testing

12-29-00 14:36 IN

