

October 23, 2001

U.S. Nuclear Regulatory Commission
Attn: Regional Administrator
Region III
801 Warrenville Road
Lisle, Illinois 60532-4351

Re: Reply to Notice of Violation IA-01-015

Dear Sir:

This is my reply to the Notice of Violation directed to me. I contest the violation that I engaged in deliberate misconduct. On July 31, 1998, the radiation protection technician called me on the radio some time late in the morning and asked me to come over to Area "E" because he had something to show me. I arrived and observed him scanning the inside of one of the concrete pipes. The instrument (Bicron Analyst) was definitely detecting elevated beta/gamma readings. I asked the radiation protection technician to document that reading, which he did on an RMIEP Radiation/Contamination Survey Report.

Once I observed him taking the readings I looked at the rest of the pipes briefly, about 10-15 minutes, looking specifically at the material inside the pipes. I was concerned that there was a potential radiological issue with these pipes and left the area. I tried to talk to the Director of Environmental Safety & Health (the "Director"), but he was in a staff meeting.

Sometime in the afternoon, I informed the Director of the readings relating to the pipes. I recommended roping and posting the area off. The Director said no, we're not going to do that yet. I said something to the effect it would be better to rope off and post the area now until we know for sure what we're dealing with. The Director still did not want the area roped off and posted until more information could be obtained since samples taken about six months before showed no contamination. He then informed me that the concrete pipes may have been sold. I told the Director that somebody needs to find out if they were sold and if necessary notify the buyer not to pick up the pipes. I said that I would do it, but the Director said that he should probably make the call.

Sometime in the afternoon someone had asked me, did I know that some samples were taken from the concrete pipes. I remember being somewhat surprised and said no I was not. I vaguely remember at some point talking to someone in the lab and saying something to the effect - "oh man, they are not going to like this" concerning some of the gamma spectroscopy results. I don't remember whether I discussed the lab results with the Director that afternoon.

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Nothing else was done on that day because it was decided that it could be handled on Monday. No one knew the pipes were going to be removed over the weekend. If we had known that the pipes were going to be removed, we would have taken the necessary action to prevent it. However, I had recommended roping and posting the area off once the elevated readings were obtained and had offered to contact Procurement to notify the potential buyer not to pick up the pipes. In hindsight, the decision made not to take further action that Friday afternoon was poor judgment. But it was not "deliberate misconduct".



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cc: Region III Enforcement Officer
State of Ohio Bureau of Radiation Protection
Director, Office of Enforcement, United States
Nuclear Regulatory Commission