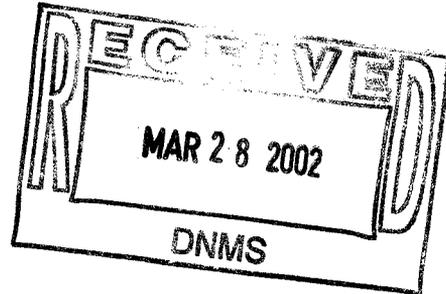


## MEMORANDUM

Regional Administrator  
US NRC / Region IV  
611 Ryan Plaza Dr., Ste. 400  
Arlington, TX. 76011

DATE 22 MAR 02



TO: Regional Administrator  
FROM: Mr. Michael Moore, ARSO  
SUBJ: Reply to a Notice of Violation

REF: Notice of Violation #1A-01-061  
Attachment #1, Predecisional Conference Statement

Sir,

The following response is submitted for your consideration, ( full compliance was achieved on 22 JUN 01, prior to the violation). Attachment #1 is provided for further info.

### VIOLATION:10 CFR 30.10(a)

#### Cause:

1. Reciprocity not initially filed in Jan. 01' as in all previous years, precipitating the completion of reciprocity work prior to filing. Hectic scheduling and the large time gap between the work completion and the first audit discovery (Jan. -Aug.) contributed to loss of control over reciprocity operations by the ARSO. Inability to recall specific job operations seven months later led to the initial statment about "awareness" of work. However computer files were immediatley retrieved to determine if any previous jobs required reciprocity and the work mentioned was discovered. At no time was an attempt to deceive implied. Reciprocity actions represent a very small percentage of annual work load.

#### CORRECTIVE ACTION:

1. RSO to take over Reciprocity operations. Retrain ARSO in Reciprocity requirements per 10 CFR.

**VIOLATION:10 CFR 30.10(c)(1)**

**Cause:**

1. ARSO mistakenly believed fee could be applied at later date without penalty. At no time was the filing of reciprocity not done to avoid fees or inspections.

**CORRECTIVE ACTION:**

1. RSO to take over Reciprocity operations. Retrain ARSO in Reciprocity requirements per 10 CFR.

**VIOLATION:10 CFR 150.20(b)(1)**

**Cause:**

1. Due to a economic slowdown, questions arose about the need for filing. Therefore reciprocity was not filed immediatly in Jan. 01'. It is the nature of our business that requests for radiography are rarely recieved with greater than 24 hrs. notice. This is sufficient for clarification notices, but is unrealistic for initial filings. In an effort to meet ship departure commitments it was mistakenly decided to file after the fact.

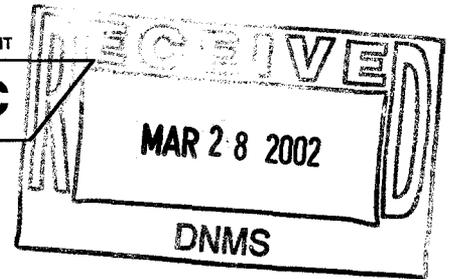
**CORRECTIVE ACTION:**

1. RSO to take over Reciprocity operations. Retrain ARSO in Reciprocity requirements per 10 CFR.

If there are any questions or I may clarify please call. (619) 285-9006.

Yours,

  
M.J. MOORE  
ARSO DTI



## MEMORANDUM

NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DR., SUITE 400  
ARLINGTON, TX. 76011-8064

DATE 7 JAN 02

**TO: Mr. Dwight D. Chamberlain, Director, DNMS**  
**FROM: Mr. Michael J. Moore, ARSO DTI**  
**SUBJ: Predecisional Conference Statement**

**REF: NRC Letter, dated 19 DEC 01**

Mr. Chamberlain,

In an effort to expedite this process and still make a comment regarding your letter I wish to submit this written statement in lieu of physical attendance at the predecisional conference. It is not my intent to deny these findings, which are essentially correct, but to clarify some inaccurate details and reiterate our documented adherence to radiation safety rules and regulations. The following comments concern your Encl.#1, Factual Summary #4-2001-028.:

Item #1: Since my employment with DTI Reciprocity has been filed every year in January. 1997, 1998, 1999, & 2000 Reciprocity records were available for review.

Item #2: Cash flow problems in January 2001 delayed the initial filing, and it was agreed to wait till circumstances arose when the filing could be completed. I was not instructed to ever not pay or file. I cannot recall why I issued a work order without filing, and I did not discuss it with the RSO. It certainly was not my intent to bypass any fees or safety issues, but most probably an effort to maintain a U.S. warship scheduling commitment. Being retired Navy myself it is a ingrained response to meet ship departure dates regardless of cost or time.

Item #3: Only (5) five trips were made, involving (6) six purchase orders. Two (2) were combined and one (1) involved a repair of a previous weld. In actuality, four (4) individual jobs were completed.

Item #4: Some paper records were removed from the logs, for presentation and audit, to the CA. Dept. of Health Services at their request. These records were not returned to the files after the audit was complete and we were not able to locate them at that time. However, computer files were immediately retrieved, and questions answered regarding job assignments for U.S. ship repairs. Approx. one (1) week was required to locate all the missing hard copies and re-file them.

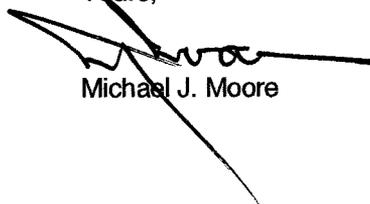
Cont'd:

Item #5: This statement is incorrect. I had no prior knowledge of any NRC inspections being conducted in San Diego. I was simply called and asked by a client if I had a reciprocity agreement or could I get one. (Mr. May was called by the same client, same day, and he contacted me about the current status of our reciprocity agreement.) I assured them I could have it in time for the work and proceeded to do so. It was my understanding that NAVSEA- QA had asked the client. This was 20 JUN 01.

Summary: Although my experience with Reciprocity is new, my association with, and working for, the NRC is over twenty (20) years. First as a Radiation worker in the Nuclear Propulsion industry, then as a military radiographer, and finally eight (8) years as Radiation Safety Officer. This experience allowed me independent operation of DTI's reciprocity program. In addition the following points should be made:

1. There was no willfull intention not to file reciprocity. The fee is the same regardless of filing date. When I did file it had nothing to due with possible NRC inspections. (I have no fear of NRC audits, we have always been compliant.)
2. All jobs were conducted safely as required by NRC rules, and no radiation safety items were deleted or bypassed.
3. DTI's safety program has been audited ten (10) times since my arrival. (State & Federal )  
No serious violations have ever been found.
4. My error was to assume a late filing would be a minor occurence. This obviously is not.  
I can assure you filing in the future will not be an issue.

Yours,

A handwritten signature in black ink, appearing to read "Michael J. Moore", written over a horizontal line. The signature is stylized and somewhat cursive.

Michael J. Moore