



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
801 WARRENVILLE ROAD  
LISLE, ILLINOIS 60532-4351

November 26, 2002

EA-02-247

Glenn A. Huber, President  
Stan A. Huber Consultants, Inc.  
200 North Cedar Road  
New Lenox, IL 60451-1751

SUBJECT: REVIEW OF LICENSEE LETTER DATED OCTOBER 22, 2002

Dear Mr. Huber:

We have completed our review of your letter dated October 22, 2002, regarding equipment calibrations conducted in Indiana on October 11, 2002. Based on our review and subsequent telephone conversations between James Hatten of your staff and Robert Gattone of my staff, we have determined that a Severity Level IV violation of NRC requirements occurred. Title 10 CFR Part 150.20 requires that Stan A. Huber Consultants, Inc., a licensee of Illinois, file 4 copies of NRC Form-241, "Report of Proposed Activities in Non-Agreement States," with the Regional Administrator of the NRC Region III office at least 3 days before engaging in activities in non-Agreement States. A violation of 10 CFR Part 150.20 occurred on October 11, 2002, when Stan A. Huber Consultants, Inc. used cesium-137 and barium-133 for instrument calibration in St. John, Indiana, a non-Agreement State, without filing Form-241 with the NRC for those activities.

After you identified the violation, you reported it to the NRC, determined the cause of the violation, and established and implemented corrective actions to prevent similar violations. You determined that the violation occurred because your staff did not plan to conduct the calibrations in St. John, Indiana, on October 11, 2002, and when asked to do so, your staff assumed that the paperwork required for compliance with 10 CFR Part 150.20 had been approved without verifying it. Your corrective actions included training applicable staff to verify, by record review or teleconference, that 10 CFR Part 150.20 authorization is granted prior to conducting instrument calibrations in areas under NRC jurisdiction, especially when requests for calibrations are made that were not planned in advance of the trip.

The violation was evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The current Enforcement Policy is included on the NRC's Web site at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Enforcement Policy**." The violation is being treated as a Non-Cited Violation (NCV), consistent with Section VI.A of the Enforcement Policy. If you contest the violation or significance of the NCV, you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to the Regional Administrator, Region III, and the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response, if any, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

  
Gary L. Shear, Chief *for*  
Materials Inspection Branch

Docket No. (Non-NRC Licensee)  
License No. (Non-NRC Licensee)

DOCUMENT NAME: G:\SEC\IR Materials Insp\stan huber.wpd

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NAME	Gattone:mb	<i>mb</i>	Clayton	<i>for</i>	Shear	<i>for</i>		
DATE	11/26/02		11/26/02	<i>for</i>	11/26/02	<i>for</i>		

OFFICIAL RECORD COPY

CONVERSATION RECORD

TIME | DATE  
9:20 | 10/31/02

VISIT       CONFERENCE       TELEPHONE  
  
 INCOMING  
 OUTGOING

NAME OF PERSON(S) CONTACTED OR IN CONTACT      ORGANIZATION (OFFICE, DEPT. ETC.)      TELEPHONE NO.  
Jim Hatten, RSO      Stan A. Huber Consultants, Inc. Huber)      800-383-0468

SUBJECT  
Follow up regarding Huber's letter dated 10/22/02 regarding self-identification of a reciprocity issue

SUMMARY

The consultant did not have the applicable NRC Form 241 with him when he went to a satellite location on Community Hospital's NRC license (i.e., 9660 Wicker Avenue, St. John, IN). The consultant performed the reciprocity work on 10/11/02 because he assumed that all of the required reciprocity authorization was completed without calling the office to verify it.

Huber filed a clarification to NRC Form 241 dated 6/4/02 granting reciprocity work (including instrument calibrations) at Community Hospital, 901 Mac Arthur Boulevard, Munster, IN on 7/12/02. Therefore, the consultant's work described in the letter dated 10/22/02 is a self-identified violation of 10 CFR 150.20(b)(1). Specifically, Huber engaged in activities in St. John, IN (a non-Agreement State), and failed to file 4 copies of NRC Form-241, "Report of Proposed Activities in Non-Agreement States", with the Regional Administrator of the appropriate NRC regional office at least 3 days before engaging in each such activity.

ACTION REQUIRED

cc: Gary Shear

NAME OF PERSON DOCUMENTING CONVERSATION      SIGNATURE      DATE  
Bob Gattone      *Bob Gattone*      10/31/02

ACTION TAKEN

SIGNATURE      TITLE      DATE



October 22, 2002

U.S. Nuclear Regulatory Commission  
Radioisotopes Licensing Division  
Region III  
801 Warrenville Road  
Lisle, Illinois 60532-4351

**RE: IDNS Radioactive Material License No. IL-01013-01**

To Whom It May Concern:

On October 15, 2002 our office personnel discovered and immediately advised me that we performed equipment calibrations at a client outpatient facility in Munster, Indiana without authorized reciprocity from your agency. G. Douglas Cole, Ph.D. a health physics consultant with our firm, calibrated a dose calibrator and survey meter during a health physics consulting visit on October 11, 2002.

This calibration was not scheduled (he was asked during his visit to do the calibration) and therefore we did not contact your office for proper prior authorization. Because the outpatient facility is listed on the local hospital's radioactive materials license as an additional use site, Dr. Cole assumed that proper paperwork was in place.

**Corrective Action:** I have advised all of our personnel of the proper procedures, and the importance of the initial reciprocity filing at the beginning of each calendar year, and changes and additions throughout the year. Before performing equipment calibrations in all states other than Illinois, all consultants will check their records to verify that the proper authorizations are in place, especially when request for calibration services are made that were not planned in advance of a trip.

Please call me if you require additional information.

Sincerely,  
Stan A. Huber Consultants, Inc.

Glenn A. Huber  
President

James C. Hatten  
Radiation Safety Officer

OCT 30 2002