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DOCKETED
USNRC

September 28, 2004 (10am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

September 24, 2004

Secretary, U.S. Nuclear Regulatory Commission
Attn: Rulemakings and Adjudications Staff
Washington, D.C. 20555

Subject: Request for Enforcement Hearing; EA-03-204

Dear Rulemaking and Adjudications Staff,

This is in reference to the letter from the U.S. Nuclear Regulatory Commission's Region III Office of Enforcement dated September 1st, 2004 to US Inspection Services with the subject line, "Order Imposing Civil Monetary Penalty – \$19,200.00."

We respectfully request a hearing to further discuss the issues surrounding the September 9th, 2003 incident that resulted in the proposed civil penalty noted above and the position taken by the U.S. Nuclear Regulatory Commission.

US Inspection Services has taken drastic and decisive measures to assure that incidents of this nature will not occur in the future. We have added fulltime staff, brought on board a new CRSO, incurred costs to improve our program and equipment that are approaching \$100,000.00, and have diligently communicated these efforts to the U.S. Nuclear Regulatory Commission.

As stated in your letter it was your intent to "emphasize the importance of complying with regulatory requirements, ensuring that personnel adhere to and follow procedures, providing appropriate management oversight of the radiation safety program, and promptly identify violations," through the proposed civil penalty. We are chiefly motivated by a sincere concern for the safety of our employees and the general public that we encounter. Our corrective actions in regard to the September, 2003 incident and current safety culture are evidence that this is the case. We also believe that we have proven that the escalated civil penalty is not necessary to "emphasize the importance of complying with regulatory requirements, ensuring that personnel adhere to and follow procedures, providing appropriate management oversight of the radiation safety program, and promptly identify violations". It is already an obvious emphasis.

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It should also be noted that US Inspection Services has been subjected to four separate "follow-up" audits between August 10th and 19th, 2004 by a U.S. Nuclear Regulatory Commission Region III Inspector. All four were noted with, "Based on the inspection findings, no violations were identified."

Again, we request a hearing to discuss these issues and present our ongoing efforts to the U.S. Nuclear Regulatory Commission.

If you should have any questions or require any additional information, please contact me at (937) 228-9729 or (937) 603-1481.

Sincerely,



Jon E. Silks
Corporate Radiation Safety Officer
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