



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005**

January 21, 2005

Mark Hansen, PE
P.O. Box 4323
Palmer, Alaska 99645-4323

**SUBJECT: CORRECTION TO NRC INSPECTION REPORT 030-33311/04-001 AND
NOTICE OF VIOLATION**

Dear Mr. Hansen:

On January 18, 2005, NRC forwarded to you Inspection Report 030-33311/04-001 with an incorrect license number shown on the letter and Notice of Violation. Enclosed is the corrected letter and Notice of Violation.

Should you have any questions, please contact Larry Donovan at (817) 860-8140 or the undersigned at (817) 860-8287.

Sincerely,

/RA/

Jeffrey Cruz, Chief
Nuclear Materials Inspection Branch

Enclosures: As stated

Docket No.: 030-33311
License No.: 50-23283-02

cc w/enclosures:
Alaska Radiation Control Program Director

Mark Hansen, PE

- 2 -

bcc w/enclosures via e-mail distrib:

CLCain

JCruz

JEWhitten

LDonovan

KEGardin

NMIB

RIV Materials Docket File (5th Floor)

SISP Review Completed: ld

ADAMS: : Yes No Initials: ld

: Publicly Available Non-Publicly Available Sensitive : Non-Sensitive

DOCUMENT NAME: s:\dnms!\nmib\donovan\43331101corr.wpd final r:_dnms

RIV:DNMS:NMIB	C:NMIB
LDonovan	JCruz
/RA/	/RA/
01/21/05	01/21/05

OFFICIAL RECORD COPY

T=Telephone

E=E-mail

F=Fax



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

January 18, 2005

Mark Hansen, PE
P.O. Box 4323
Palmer, Alaska 99645-4323

SUBJECT: NRC INSPECTION REPORT 030-33311/04-001 AND NOTICE OF VIOLATION

Dear Mr. Hansen:

This letter refers to the safety inspection conducted on December 15, 2004, at your facility located in Palmer, Alaska. The inspection was an examination of activities conducted under NRC License 50-23283-02 as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of the license. Within these areas, the inspection consisted of selective examination of procedures and representative records. The inspection results were discussed with you at the conclusion of the onsite inspection. A final exit interview was conducted with you on January 7, 2005.

Based on the results of this inspection, the NRC has determined that five violations of NRC requirements occurred. These violations were 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 website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. The violations cited in the enclosed Notice of Violation (Notice) involved failures to: (1) conduct radiation safety program reviews annually; (2) conduct leak tests at 6-month intervals (a repeat violation); (3) conduct physical inventories every 6 months; (4) provide annual radiation exposure notifications to users (a repeat violation), and (5) conduct a public dose assessment (a repeat violation). The violations are being cited in the enclosed Notice because they were identified by the NRC during the inspection, rather than being self-identified by the licensee.

We are concerned with these violations, since they indicate a lack of management oversight of your radiation safety program and a lack of understanding of regulatory requirements to ensure prompt and effective corrective actions for these repeat violations. Therefore, in your response please address the management controls to ensure continuous compliance with the requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response 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.

Mark Hansen, PE

-2-

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at 800-397-4209 or 301-415-4737 or pdr@nrc.gov.

If you have any questions concerning this inspection, please contact Mr. Larry Donovan at (817) 860-8140 or the undersigned at (817) 860-8287.

Sincerely,

Jeffrey Cruz, Chief
Nuclear Materials Inspection Branch

Docket No.: 030-33311
License No.: 50-23283-02

Enclosure: As stated

cc w/enclosure:
Alaska Radiation Control Program Director

bcc w/enclosure via e-mail distrib:

CLCain

JCruz

JEWhitten

LDonovan

KEGardin

NMIB

RIV Materials Docket File (5th Floor)

SISP Review Completed:

ADAMS: : Yes No Initials: ld

: Publicly Available Non-Publicly Available Sensitive : Non-Sensitive

DOCUMENT NAME: s:\dnms!\nmib\donovan\43331101.wpd final r:\ dnms

RIV:DNMS:NMIB	C:NMIB
LDonovan	JCruz
/RA JCruz for/	/RA/
01/18/05	01/18/05

OFFICIAL RECORD COPY

T=Telephone

E=E-mail

F=Fax

ENCLOSURE

NOTICE OF VIOLATION

Mark Hansen, PE
Palmer, Alaska 99645-4323

Docket No. 030-33311
License No. 50-23283-02

During an NRC inspection conducted on December 15, 2004, five violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. 10 CFR 20.1101(c) requires, in part, that the licensee periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, the licensee failed to review its radiation protection program content and implementation during calendar years 1999-2003.

This is a Severity Level IV violation (Supplement IV).

- B. 10 CFR 30.34 requires, in part, that the licensee comply with the terms and conditions of the license.

Condition 14 of License 50-23283-02 states, in part, that leak tests will be conducted at intervals as specified in the certificate of registration (6-month interval for Troxler gauges).

Contrary to the above, the licensee failed to conduct leak tests at the proper 6-month frequency on their gauges during calendar years 2000 to 2004.

This is a repeat Severity Level IV violation (Supplement IV).

- C. 10 CFR 30.34 requires, in part, that the licensee comply with the terms and conditions of the license.

Condition 15 of License 50-23283-02 states, in part, that the licensee shall conduct a physical inventory every 6 months or at other intervals approved by the NRC, to account for all sources and/or devices received and possessed under the license.

Contrary to the above, the licensee failed to conduct physical inventories of their gauge during calendar years 2000 through 2004

This is a Severity Level IV violation (Supplement IV).

- D. 10 CFR 20.1302(a) requires, in part, that the licensee make or cause to be made, as appropriate, surveys of radiation levels in unrestricted and controlled areas to demonstrate compliance with the dose limits for individual members of the public in 10 CFR 20.1301.

Contrary to the above, as of September 29, 2004, the licensee had not made surveys of radiation levels in unrestricted and controlled areas to demonstrate compliance with the dose limits for individual members of the public. Specifically, the licensee had not made surveys, as appropriate, in all areas where portable nuclear gauges were stored.

This is a repeat Severity Level IV violation (Supplement IV).

- E. 10 CFR 19.13(b) requires, in part, that the licensee advise each worker annually of the worker's dose as shown in records maintained by the licensee pursuant to the provisions of 10 CFR 20.2106.

Contrary to the above, between August 1999 and December 2004, the licensee failed to provide annual notifications to its workers.

This is a repeat Severity Level IV violation (Supplement IV).

Pursuant to the provisions of 10 CFR 2.201, Mark Hansen, PE., is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region IV, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response 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, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial

information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 18th day of January 2005