



FAIRFAX COUNTY

Department of Public Works and Environmental Services
Wastewater Treatment Division
9399 Richmond Highway
Post Office Box 268
Lorton, Virginia 22199-0268
(703) 550-9740 – TTY 711
FAX (703)-339-5070

Kailash B. Gupta, P.E., DEE
Director
kailash.gupta@fairfaxcounty.gov

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U.S. Nuclear Regulatory Commission,
Washington, D.C. 20555

Attention: Document Control Desk

Subject: Reply to a Notice of Violation

Reference: License No. 45-19479-01
Inspection 03017756/2004001, Notice Of Violation

In reference to the inspection on November 29, 2004, and the subsequent notice of violation issued on December 17, 2004, we are providing our response and below is a plan of action to address the violations.

NRC Requirement:

1. 10 CFR 20.1101(A) and (C) require, in part, that a licensee develop, document, and implement a radiation protection program commensurate with the scope and extent of licensed activities and sufficient to ensure compliance with the provisions of Part 20, and periodically (at least annually) review the radiation protection program content and implementation. 10 CFR 20.1101 (A) and (B) require in part that records of audits shall be maintained for three years after the record is made.

Response: The Noman M. Cole, Jr. Pollution Control Plant will immediately establish, maintain, and implement a radiation protection safety program. The program will be reviewed at least annually, audits as directed by NUREG – 1556, Vol. 4 and CFR Parts 19 and 20 will be performed and the records kept for the required time period.

As noted in the above requirement, the owner of license No. 45-19479-01, will develop, document, and implement the following elements of a radiation protection program:

- Activities involving licensed material that the Radiation Safety Officer considers unsafe are stopped
- Radiation exposures are alarmed

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- Development, maintenance, distribution, and implementation of up-to-date operating and emergency procedures
- Individuals that use fixed gauges are properly trained
- Possession, installation, relocation, use storage, routine maintenance, and non-routine operations of fixed gauges are consistent with the limitations in the license, the SSD registration certificate(s), manufacturer's, or distributor's recommendations and instructions
- Safety consequences of non-routine operations are analyzed before conducting any such activities that have not been previously analyzed.
- Non-routine operations are performed by the manufacturer, distributor, or person specifically authorized by the NRC or an Agreement State
- Prospective valuations are performed demonstrating that unmonitored individuals are not likely to receive, in one year a radiation dose in excess of 10% of the allowable limits or personnel monitoring devices are provided
- Personnel monitoring devices, if required, are used and exchanged at the proper intervals, and records of such monitoring are maintained
- Documentation is maintained to demonstrate, by measurement or calculation, that the TEDE to the individual member of the public likely to receive the highest doses from the licensed operation does not exceed the annual limit in CFR 20.1301
- Fixed gauges are properly secured
- Notification of proper authorities of incidents such as damage to or malfunction of fixed gauges, fire, loss, or theft.
- Investigation of unusual occurrences involving the fixed gauge (e.g. malfunctions or damage), identification of cause(s), implementation of appropriate and timely corrective action(s)
- Radiation safety program audits are performed at intervals not to exceed 12 months and development, implementation, and documentation of timely corrective actions
- When the licensee identifies violations of regulations or license conditions or program weaknesses, corrective actions are developed, implemented, and documented
- Licensed material is transported according to all applicable DOT requirements
- Licensed material is disposed of properly
- Appropriate records are maintained
- An up to date license is maintained and amendment and renewal requests are submitted in a timely manner
- Posting of documents required by 10 CFR 19.11 (PARTS 19 and 20, license documents, operating procedures, NRC Form 3 "Notice to Employees"), and 10 CFR 21.6 (Part 21, Section 206 of Energy Reorganization Act of 1974, Procedures adapted pursuant to Part 21) or posting a notice indicating where these documents can be examined

2. Condition 15 of license 45-19479-01 requires the licensee to conduct a physical inventory every six months to account for all sealed sources and devices containing licensed material received and possessed under the license

Response: The Radiation Safety Officer will conduct a physical inventory of the fixed sealed sources every six months and maintain a record, as required by the license.

3. Condition 26 of License No. 45-19479-01 requires that the licensee conduct its program in accordance with statements, representations, and procedures contained in the stated documents including applications dated April 30, 2001.

Item 7.2 of the application dated October 18, 2001, requires that authorized users successfully complete the training described in the section entitled, "Authorized Users" in NUREG 1556, Volume 4, dated October 1998.

Response: Training for all authorized users will be provided by the manufacturer, and will be performed as the maintenance work force employees' change. Certificates will be maintained by the Radiation Safety Officer.

Please note that in addition to the above responses, the safety program review, gage inventory and authorized user training will be placed into the Plant's computerized preventive maintenance program. This program will provide notification of requirements at the specified time and will serve as additional documentation when the work is completed by the Radiation Safety Officer.

The Radiation Safety Officer has taken immediate steps to address the actions listed above to maintain compliance with license requirements and NRC regulations.

If you have any questions please do not hesitate to contact me at 703-550-9740 Ext. 205.

Sincerely,

WASTEWATER TREATMENT DIVISION


Cheryl St. Amant
Director of Division Control

CSt/ap

cc: Regional Administrator, Region 1, U. S. Nuclear Regulatory Commission
Kailash B. Gupta, Director, Wastewater Treatment Division
Art Puskas, Safety Analyst, Wastewater Treatment Division
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