

MultiServ

Harsco



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July 8, 2005

Marc L. Dapas, Director
Division of Nuclear Materials Safety
United States Nuclear Regulatory Commission
Region #3 Office
Warrenville Road, Suite 210
Lisle, IL 60532-4352

Re: Response to An Apparent Violation in Inspection Report 030-35120/2005-001
(DNMS): EA-05-121
License Number 37-26522-02

Dear Sir or Madam:

This revised letter is in response to Harsco Corporation, Heckett MultiServ Division's receipt of the above referenced Inspection Report, as issued by the United States Nuclear Regulatory Commission (USNRC). The proposed enforcement action resulted from specific issues of apparent and potential regulatory non-compliance, as identified during a May 25, 2005 inspection at the East Chicago, IN facility.

Harsco Corporation, Heckett MultiServ Division management representatives, as well as a private health physics consulting company, have reviewed each item of potential non-compliance and the documented response. The Harsco Corporation, Heckett MultiServ Division Response references the line items identified in the USNRC Inspection Report on pages 3-8. In addition, this revised document provides information as requested by Mr. John Madera in a phone conversation with Glenn Hundertmark, newly assigned Radiation Safety Officer. The request for additional information is based upon the guidance provided on page 2 of the NRC's June 24, 2005 letter.

Item #2 **Failure to Appoint a Radiation Safety Officer**

The USNRC Inspector determined that the Harsco Corporation, Heckett MultiServ Division Radiation Safety Officer was no longer employed at the East Chicago, IN facility. This situation was identified as an apparent violation of License Condition #11.

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**Harsco Corporation, Heckett MultiServ Division Response****Reason for Violation**

Harsco Corporation, Heckett MultiServ Division had undergone a series of changes in management personnel and individual responsibilities at the time of the former RSO's departure. No one in the remaining management structure was aware of the regulatory requirements for USNRC notification and the necessity of appointing a new RSO.

Corrective Steps for Current Compliance

Harsco Corporation, Heckett MultiServ Division has engaged the services of Applied Health Physics, Inc., a health physics consulting company, to assist in gaining and retaining regulatory compliance. Included in the contracted services was a training session and discussions with the new Radiation Safety Officer, management representatives and Authorized Users.

The consultant has stressed the importance of Radiation Safety Program implementation and management oversight. In addition, the consultant conducted a comprehensive audit of current radiation safety policies and practices. The results of this review have been provided to the RSO and will be discussed with management and Authorized Users. The RSO shall routinely verify compliance with license conditions and federal regulations.

Corrective Steps to Prevent Recurrence

In the event that the current Radiation Safety Officer would leave that position, Harsco Corporation, Heckett MultiServ Division East Chicago, IN management would follow the guidance provided in NUREG 1556, Volume 4. Included would be written notification of a proposed replacement in a timely manner.

Harsco Corporation, Heckett MultiServ Division is also modifying its corporate personnel software to include "flags" to notify management when individuals with specific job descriptions (i.e., Radiation Safety Officer, Authorized User, etc.) leave the employment of Heckett MultiServ. When such "flags" are noted, Heckett MultiServ Division would follow the guidance provided in NUREG 1556, Volume 4 regarding training and notification.



Proposed Date of Full Compliance

Harsco Corporation, Heckett MultiServ Division has received Amendment #1 to USNRC License Number 37-26522-02, naming Glenn D. Hundertmark as Radiation Safety Officer (RSO). Mr. Hundertmark's training includes successful completion of a training course based upon the guidance provided in NUREG 1556, Volume 4, Appendix G.

Item #4

Potential Violation of License Condition # 21

The USNRC Inspector observed a potential violation of the licensee's Lock-out/Tag-out Procedure.

Harsco Corporation, Heckett MultiServ Division Response

Reason for Violation

Due to the previously described changes in personnel, Harsco Corporation, Heckett MultiServ Division management representatives were unaware of previous commitments and license conditions involving the Lock-out/Tag-out procedures.

Corrective Steps for Current Compliance

Harsco Corporation, Heckett MultiServ Division management has instructed all individuals involved with the conveyor lines containing licensed devices to follow the current procedure for locking the device closed when not in use. In addition, the RSO shall be notified as necessary.

Corrective Steps to Prevent Recurrence

The contracted health physics consultant has strongly recommended that Harsco Corporation, Heckett MultiServ Division submit a request for a license amendment. Included would be a revision of current restrictive commitments. The submittal would be based upon the NUREG 1556, Volume #4 guidance.

In order to ensure compliance with revised procedures and/or license conditions, the Harsco Corporation, Heckett MultiServ Division RSO or management representative shall arrange for training and/or re-training of authorized users to describe and discuss approved changes.



Proposed Date of Full Compliance

As of June 27, 2005 all Authorized Users have been trained in the Lock-out/Tag-out procedure specified in the license.

Harsco Corporation, Heckett MultiServ Division management proposes to submit a request for an amendment to the specific license within 90 days of the acceptance of this response. The request shall include a request to conduct Lock-out/Tag-out Procedures during times when an individual could gain access to the direct beam.

Item #5

Potential Violation of License Condition # 21

The USNRC Inspector observed a potential violation of the licensee's requirement to conspicuously post "Caution Radioactive Material" signs.

Harsco Corporation, Heckett MultiServ Division Response

Reason for Violation

Due to the previously described changes in personnel, Harsco Corporation, Heckett MultiServ Division management representatives were unaware of the requirement to maintain radiation warning signs in a legible and conspicuous condition at each licensed device.

Corrective Steps for Current Compliance

Harsco Corporation, Heckett MultiServ Division management has replaced and/or cleaned the signs as necessary and instructed all individuals involved with the conveyor lines containing licensed devices to maintain the signs legible.

Corrective Steps to Prevent Recurrence

Authorized Users shall routinely clean and/or replace signs as necessary. In addition, the RSO or designee shall routinely inspect the licensed material usage areas, to include required signage.

Proposed Date of Full Compliance

The "Caution Radioactive Materials" signs were replaced and/or cleaned in a timely manner. Routine cleaning and replacement shall ensure continued compliance.



Item #6

Potential Violation of License Condition # 15

The USNRC Inspector observed a potential violation of the licensee's requirement to conduct inventories of gauging devices every six months.

Harsco Corporation, Heckett MultiServ Division Response

Reason for Violation

Following the Harsco Corporation, Heckett MultiServ Division personnel changes, including the loss of the Radiation Safety Officer, management representatives were unaware of license condition requirements.

Corrective Steps for Current Compliance

The newly appointed Harsco Corporation, Heckett MultiServ Division Radiation Safety Officer has developed an inventory spreadsheet to document the information required in License Condition #15. The inventory shall be completed every six months and records maintained as required.

Corrective Steps to Prevent Recurrence

Harsco Corporation's, Heckett MultiServ Division Radiation Safety Officer and the East Chicago, IN management shall utilize a computer program that displays a reminder system for conducting the six month inventory and shutter checks of licensed devices.

Proposed Date of Full Compliance

The RSO had documented the licensed device inventory and shutter checks on June 24, 2005 and the RSO or Authorized Users shall continue to complete every six months as required.

Item #7

Potential Violation of License Condition # 21

The USNRC Inspector observed a potential violation of the licensee's requirement to provide training to employees that frequent restricted areas. The training should include the Safe Operating Procedures for use of licensed devices.



Harsco Corporation, Heckett MultiServ Division Response

Reason for Violation

Following the Harsco Corporation, Heckett MultiServ Division personnel changes, including the loss of the Radiation Safety Officer, management representatives were unaware of requirements for the training of individuals working in close proximity to licensed devices.

Corrective Steps for Current Compliance

Harsco Corporation, Heckett MultiServ Division management hired a radiation safety consultant to present a training class for employees involved with working in close proximity to licensed devices. The 8-hour course included the topics described in NUREG 1556, Volume 4, Appendix G. Records of successful completion shall be retained on file as required.

Corrective Steps to Prevent Recurrence

The Harsco Corporation, Heckett MultiServ Division Radiation Safety Officer or designee shall provide training for any new Authorized Users. In addition, retraining of individuals shall be completed as per the guidance provided in Regulatory Guideline 8.29. Compliance with this requirement as well as others shall be reviewed during the annual audit.

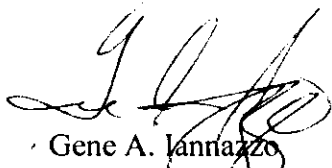
Harsco Corporation, Heckett MultiServ Division is also modifying its corporate personnel software to include "flags" to notify management when individuals with specific job descriptions (i.e., Radiation Safety Officer, Authorized User, etc.) leave the employment of Heckett MultiServ. When such "flags" are noted, Heckett MultiServ Division would follow the guidance provided in NUREG 1556, Volume 4 regarding training and notification.

Proposed Date of Full Compliance

The RSO/AU training course was completed on June 23, 2005.

Any questions regarding this response should be forwarded to the Harsco Corporation, Heckett MultiServ Division, Radiation Safety Officer, Glenn D. Hundertmark. Mr. Hundertmark can be contacted at (724)-741-6662.

Best regards,



Gene A. Iannazzo
President, North America

Cc: Glenn Hundertmark-RSO
Jim Budd
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Harry Boben

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