



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

July 12, 2005

EA-05-023

Mr. James Wellman, President  
R&M Engineering Consultants  
510 Fourth Street  
Fairbanks, Alaska 99701

**SUBJECT: SECOND RELAXATION OF PORTIONS OF THE CONFIRMATORY ORDER  
MODIFYING LICENSE (NRC INVESTIGATION REPORT 4-2004-028)**

Dear Mr. Wellman:

By letter dated June 17, 2005, I relaxed portions of the Confirmatory Order Modifying License (Order) issued on May 9, 2005, to give you more time to meet the deadlines contained in Conditions 1 and 2 of the Order. My approval was based on the additional actions you had committed to take to pre-arrange transfer of the gauges so that you could meet the deadlines in Conditions 3, 4, and 5 of the Order.

By letter dated June 29, 2005, you requested relaxation of Conditions 3, 4, and 5. Mr. Michael Vasquez and Dr. Janine Katanic, of my staff, have discussed your request with you during several telephone conversations over the past two weeks. Based on those contacts, you updated your request by email dated July 7, 2005. In your email, you stated that you expected to receive new labels from Troxler by Monday, July 11. Your email stated that you will ship the gauges back to Troxler via Federal Express on Tuesday, July 12, and that you would notify the NRC of the shipment via fax on the same day.

Today, you confirmed in response to a telephone call from Gary Sanborn of my staff that you had received the labels from Troxler yesterday and that you intended to ship the gauges today to Troxler.

In order to ensure that you have sufficient time to complete all the required actions, I am relaxing the deadlines contained in Conditions 3, 4, and 5 to July 19, 2005. This means you must complete all the required actions by Tuesday, July 19, 2005. Beyond that date, the NRC may consider escalated enforcement proceedings which could include civil penalties for any failures to comply with the Order and other apparent violations that could exist.

Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, any person who willfully violates, attempts to violate, or conspires to violate, any provision of this Order shall be subject to criminal prosecution as set forth in that section. Violation of this order may also subject the person to civil monetary penalty.

Questions concerning the Order should be addressed to Ms. Maria Schwartz, Office of Enforcement, at 301-415-1888.

J. Wellman

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter 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>. The NRC also includes significant enforcement actions on its Web site at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Significant Enforcement Actions**.

Sincerely,

*/RA Thomas P. Gwynn Acting for/*

Bruce S. Mallett  
Regional Administrator

Docket No. 030-33802  
License No. 50-23220-02

cc:  
Alaska Radiation Control Program Director

J. Wellman

EA-05-023, R&M Consulting Engineers

ADAMS (PARS)  
RIDSSECYMAILCENTER  
RIDSOCAMAILCENTER  
RIDSEDOMAILCENTER  
RIDSOEMAILCENTER  
RIDSOGCMAILCENTER  
RIDSNMSSIMNS  
RIDSNMSSOD  
RIDSOPAMAIL  
RIDSOIMAILCENTER  
RIDSOIGMAILCENTER  
RIDSOCFOMAILCENTER  
RIDSRGN1MAILCENTER  
RIDSRGN2MAILCENTER  
RIDSRGN3MAILCENTER  
OEWEB

Sanborn - GFS	Vasquez - GMV
R4ALLEGE	Mallett - BSM1
Gwynn - TPG	Dricks - VLD
Fuller - KSF	Maier - WAM
L Wert	Whitten - JEW1
KGardin - KEG	M Shaffer
Cain - CLC	Spitzberg - DBS
Katanic - JFK	McLean - MLM1
Campbell - VHC	OEMAIL
Morell - GKM	Michele Burgess - MLB5
McArthur - JCM4	
Schwartz-MES	

ADAMS: : Yes Initials: \_gmv\_ : Publicly Available : Non-Sensitive  
SISP Review: \_gmv\_  
E:\Filenet\ML051940152.wpd

ES	D:ACES	C:NMIB	D:DNMS	RC
MVASQUEZ	GSANBORN	MSHAFFER	LWERT	KFULLER
<i>/RA/</i>	<i>/RA/</i>	<i>/RA/</i>	<i>/RA/</i>	<i>/RA/</i>
7/11/05	7/11/05	7/11/05	7/11/05	7/11/05
	D:OE	DRA	RA	
	MJOHNSON	PGWYNN	BMALLETT	
	<b>E from Schwartz</b>	<i>/RA/</i>	<i>/RA TPGwynn for Unavailable/</i>	
	7/12/2005	7/11/05	7/12/05	

OFFICIAL RECORD COPY

T=Telephone

E=E-mail

F=Fax