



SMITH-EMERY COMPANY

An Independent Commercial Testing Laboratory, Established 1904

1940 Oakdale Avenue
San Francisco, California 94124
(415) 642-SECO (7326)
Fax (415) 642-7055

GEOSERVICES DIVISION

791 East Washington Blvd.
Los Angeles, California 90021-3043
(213) 749-3411
Fax (213) 746-7228

February 7, 2008

SECo Report No.: 08-090

United States
Nuclear Regulatory Commission
Washington, DC 20555

Attention: Document Control Desk

REFERENCE: Nuclear Regulatory Commission
Notice of Violation, Docket No. 030-20382
License No. 04-19467-02

SUBJECT: "Reply to Notice of Violation"

In May of 2006 Smith-Emery Company relocated our Nuclear Gage Storage Container from our authorized storage facility at Hunter's Point, Building 114, San Francisco, California to 1940 Oakdale Avenue, San Francisco, California.

In late April and early May 2006 prior to releasing the storage area at Hunter's Point for unrestricted use we performed leak tests on all of our nuclear gages and found all of them to be in condition to "Remain in Use." The leak test records are attached. Additionally we moved the Nuclear Gage Storage Container to 1940 Oakdale Avenue.

The cause of the failure to notify the Nuclear Regulatory Commission was that the undersigned Radiation Safety Officer believed the notification to the State of California was sufficient since we were moving from Federal land to State land. The undersigned has reviewed NUREG 1600, 10 CFR 20.1501, 10 CFR 20.1003, and 10 CFR 20.1402 in regards to this issue and now understands the evaluation of the radiological conditions and potential hazards needed to be presented to the United States Nuclear Regulatory Commission prior to relocating from Hunter's Point. This issue has been discussed with the ownership of Smith-Emery Company and will not occur again in the future.

Please call with questions or comments about the information presented.

Respectfully submitted,
SMITH-EMERY COMPANY


PATRICK MORRISON, P.G. #7174
Professional Geologist
Radiation Safety Officer

Attachment: Leak Test Records April/May 2006

Cc: USNRC Regional Administrator, Region IV

IEO 7
RG4 IV



CPN International, Inc.
4057 Port Chicago Highway
Suite 100
Concord, CA 94520
Phone: (925) 363-9770
Fax: (925) 363-9385

CERTIFICATE OF LEAK TEST

SMITH EMERY - S.F.
ATTN: PAT MORRISON
P.O. BOX 880550
SAN FRANCISCO, CA 94188

Customer No: 19380500
Date Sample Collected: 5/2/2006
Test Number: 46453

This is to certify that the leak test on the indicated source (s) was counted on 5/2/2006 and the results shown accurately represent the level of removable contamination.

Model: MC-1DR

Source(s)/Gauge Serial Number: MD0069624

<u>Source</u>	<u>Activity</u>	* <u>Removable Contamination (in microCuries)</u>
AmBe 241	50 mCi	.0000033
Cs 137	10 mCi	.0000165

* 0.005 microcuries (185 Bq) or greater constitutes a leaking source.

This Source : May Remain in use.

Mona Lau

Reviewed by: Leak Testing Quality Control
CA License No. 1100-07



CPN International, Inc.
4057 Port Chicago Highway
Suite 100
Concord, CA 94520
Phone: (925) 363-9770
Fax: (925) 363-9385

CERTIFICATE OF LEAK TEST

SMITH EMERY - S.F.
ATTN: PAT MORRISON
P.O. BOX 880550
SAN FRANCISCO, CA

94188

Customer No: 19380500
Date Sample Collected: 4/28/2006
Test Number: 46454

This is to certify that the leak test on the indicated source (s) was counted on 5/2/2006 and the results shown accurately represent the level of removable contamination.

Model: MC-3

Source(s)/Gauge Serial Number: M39109156

<u>Source</u>	<u>Activity</u>	* <u>Removable Contamination</u> <u>(in microCuries)</u>
AmBe 241	50 mCi	.0000033
Cs 137	10 mCi	.0000129

* 0.005 microcuries (185 Bq) or greater constitutes a leaking source.

This Source : May Remain in use.

Maria Lem

Reviewed by: Leak Testing Quality Control
CA License No. 1100-07



CPN International, Inc.
4057 Port Chicago Highway
Suite 100
Concord, CA 94520
Phone: (925) 363-9770
Fax: (925) 363-9385

CERTIFICATE OF LEAK TEST

SMITH EMERY - S.F.
ATTN: PAT MORRISON
P.O. BOX 880550
SAN FRANCISCO, CA 94188

Customer No: 19380500
Date Sample Collected: 4/28/2006
Test Number: 46455

This is to certify that the leak test on the indicated source (s) was counted on 5/2/2006 and the results shown accurately represent the level of removable contamination.

Model: MC-3

Source(s)/Gauge Serial Number: M37107693

<u>Source</u>	<u>Activity</u>	* <u>Removable Contamination (in microCuries)</u>
AmBe 241	50 mCi	.0000033
Cs 137	10 mCi	.0000202

* 0.005 microcuries (185 Bq) or greater constitutes a leaking source.

This Source : May Remain in use.

Maria Lau

Reviewed by: Leak Testing Quality Control
CA License No. 1100-07



CPN International, Inc.
4057 Port Chicago Highway
Suite 100
Concord, CA 94520
Phone: (925) 363-9770
Fax: (925) 363-9385

CERTIFICATE OF LEAK TEST

SMITH EMERY - S.F.
ATTN: PAT MORRISON
P.O. BOX 880550
SAN FRANCISCO, CA 94188

Customer No: 19380500
Date Sample Collected: 4/28/2006
Test Number: 46458

This is to certify that the leak test on the indicated source (s) was counted on 5/2/2006 and the results shown accurately represent the level of removable contamination.

Model: MC-3

Source(s)/Gauge Serial Number: M37067740

<u>Source</u>	<u>Activity</u>	* <u>Removable Contamination (in microCuries)</u>
AmBe 241	50 mCi	.0000033
Cs 137	10 mCi	.0000221

* 0.005 microcuries (185 Bq) or greater constitutes a leaking source.

This Source : May Remain in use.

Maria Lau

Reviewed by: Leak Testing Quality Control
CA License No. 1100-07



CPN International, Inc.
4057 Port Chicago Highway
Suite 100
Concord, CA 94520
Phone: (925) 363-9770
Fax: (925) 363-9385

CERTIFICATE OF LEAK TEST

SMITH EMERY - S.F.
ATTN: PAT MORRISON
P.O. BOX 880550
SAN FRANCISCO, CA

94188

Customer No: 19380500
Date Sample Collected: 4/28/2006
Test Number: 46457

This is to certify that the leak test on the indicated source (s) was counted on 5/2/2006 and the results shown accurately represent the level of removable contamination.

Model: MC-3

Source(s)/Gauge Serial Number: M37107964

<u>Source</u>	<u>Activity</u>	* <u>Removable Contamination</u> <u>(in microCuries)</u>
AmBe 241	50 mCi	.0000033
Cs 137	10 mCi	.0000294

* 0.005 microcuries (185 Bq) or greater constitutes a leaking source.

This Source : May Remain in use.

Merna Lau

Reviewed by: Leak Testing Quality Control
CA License No. 1100-07



CPN International, Inc.
4057 Port Chicago Highway
Suite 100
Concord, CA 94520
Phone: (925) 363-9770
Fax: (925) 363-9385

CERTIFICATE OF LEAK TEST

SMITH EMERY - S.F.
ATTN: PAT MORRISON
P.O. BOX 880550
SAN FRANCISCO, CA 94188

Customer No: 19380500
Date Sample Collected: 4/28/2006
Test Number: 46459

This is to certify that the leak test on the indicated source (s) was counted on 5/2/2006 and the results shown accurately represent the level of removable contamination.

Model: MC-1DR

Source(s)/Gauge Serial Number: MD0089791

<u>Source</u>	<u>Activity</u>	* <u>Removable Contamination (in microCuries)</u>
AmBe 241	50 mCi	.0000033
Cs 137	10 mCi	.0000037

* 0.005 microcuries (185 Bq) or greater constitutes a leaking source.

This Source : May Remain in use.

Maria Lau

Reviewed by: Leak Testing Quality Control
CA License No. 1100-07



CPN International, Inc.
4057 Port Chicago Highway
Suite 100
Concord, CA 94520
Phone: (925) 363-9770
Fax: (925) 363-9385

CERTIFICATE OF LEAK TEST

SMITH EMERY - S.F.
ATTN: PAT MORRISON
P.O. BOX 880550
SAN FRANCISCO, CA

94188

Customer No: 19380500
Date Sample Collected: 4/28/2006
Test Number: 46461

This is to certify that the leak test on the indicated source (s) was counted on 5/2/2006 and the results shown accurately represent the level of removable contamination.

Model: MC-1DR

Source(s)/Gauge Serial Number: MD0109881

<u>Source</u>	<u>Activity</u>	* <u>Removable Contamination</u> <u>(in microCuries)</u>
AmBe 241	50 mCi	.0000033
Cs 137	10 mCi	.0000294

* 0.005 microcuries (185 Bq) or greater constitutes a leaking source.

This Source : May Remain in use.

Maria Lau

Reviewed by:

Leak Testing Quality Control
CA License No. 1100-07



CPN International, Inc.
4057 Port Chicago Highway
Suite 100
Concord, CA 94520
Phone: (925) 363-9770
Fax: (925) 363-9385

CERTIFICATE OF LEAK TEST

SMITH EMERY - S.F.
ATTN: PAT MORRISON
P.O. BOX 880550
SAN FRANCISCO, CA 94188

Customer No: 19380500
Date Sample Collected: 4/20/2006
Test Number: 46456

This is to certify that the leak test on the indicated source (s) was counted on 5/2/2006 and the results shown accurately represent the level of removable contamination.

Model: MC-3

Source(s)/Gauge Serial Number: M3707798

<u>Source</u>	<u>Activity</u>	* <u>Removable Contamination</u> <u>(in microCuries)</u>
AmBe 241	50 mCi	.0000033
Cs 137	10 mCi	.0000074

* 0.005 microcuries (185 Bq) or greater constitutes a leaking source.

This Source : May Remain in use.

Maria Lau

Reviewed by: Leak Testing Quality Control
CA License No. 1100-07



CPN International, Inc.
4057 Port Chicago Highway
Suite 100
Concord, CA 94520
Phone: (925) 363-9770
Fax: (925) 363-9385

CERTIFICATE OF LEAK TEST

SMITH EMERY - S.F.
ATTN: PAT MORRISON
P.O. BOX 880550
SAN FRANCISCO, CA 94188

Customer No: 19380500
Date Sample Collected: 4/20/2006
Test Number: 46460

This is to certify that the leak test on the indicated source (s) was counted on 5/2/2006 and the results shown accurately represent the level of removable contamination.

Model: MC-1DR

Source(s)/Gauge Serial Number: MD0109873

<u>Source</u>	<u>Activity</u>	<u>* Removable Contamination (in microCuries)</u>
AmBe 241	50 mCi	.0000033
Cs 137	10 mCi	.0000221

* 0.005 microcuries (185 Bq) or greater constitutes a leaking source.

This Source : May Remain in use.

Mona Lau

Reviewed by: Leak Testing Quality Control
CA License No. 1100-07



Advanced Instrumentation for Density
& Moisture Testing of Soils & Pavements

CPN International, Inc.
2830 Howe Road
Martinez, CA 94553 USA
Phone: (925) 228-9770
Fax: (925) 228-3183
e-mail: cpn@cpn-intl.com

LEAK TEST CERTIFICATE

The device listed has been leak tested on the date indicated and has less than 0.005 microcurie (185 becquerels) removable contamination.

MODEL NO. MC3 SERIAL NO. M38038129

ISOTOPE: Cs-137 10 mCi, Am-241/Be 50 mCi, Ra mCi, Other mCi

DATE OF TEST MAR 3, 2006 SIGNED [Signature]
CPN Quality Assurance

LEAK TEST RECORD

The following record is for user convenience. Check the license to determine the required leak test period (6 months or 1 year). Future leak tests may be ordered from CPN International, Inc. CPN will mail a reminder card one month in advance of the next due date. Retain all leak test certificates for inspection.

Required Leak Test Period: 6 months, X 1 year, Other

Date Test Taken	Kit Vendor	Initials	Comments