

Munoz, Rick

From: Munoz, Rick
Sent: Monday, June 22, 2009 6:58 AM
To: Gary Burkett
Cc: Munoz, Rick
Subject: RE: Reply to a Notice of Violation

Mr. Burkett,

Thanks for your response to the NOV. I will process your response and have it entered into our agency electronic document reading files. NRC will review your corrective action plan and provide you an acknowledgement letter or request for more information.

Regards,

Rick Muñoz

Rick Munoz
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From: Gary Burkett [mailto:gburkett@ehminc.com]
Sent: Thursday, June 18, 2009 11:02 AM
To: Munoz, Rick
Subject: Reply to a Notice of Violation

June 18, 2009

United States Nuclear Regulatory Commission, Region IV
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612 East Lamar Blvd., Ste. 400
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United States Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-0001

United States Regulatory Commission, Region IV
Rick Munoz – rick.Munoz@nrc.gov

Subject: Reply to a Notice of Violation

EHM Engineers, Inc. is hereby submitting a written statement in response to a Notice of Violation for License holder 11-27304-01 Inspection Report 030-32261/2009-001.

We wish to thank the NRC personnel for their patience and aid in providing information and guidance in this matter.

Respectfully,



Gary R. Burkett, P.E.

June 22, 2009

Subject: Response and Answer to
NRC Inspection Report 030-32261/2009-001
And Notice of Violation

License No. 11-27304-01

From: Gary R. Burkett, Partner EHM Engineers, Inc.
Brian Luper, RSO

INTRODUCTION

EHM Engineers, Inc. operates three nuclear gauges (Troxler Model 3400 Series) as part of its operations as an engineering business. The Nuclear Regulatory Commission conducted an inspection of EHM's facility and records on April 15, 2009. The inspection identified three Level IV (continuing) violations referenced in a previous inspection made on April of 2004. These violations are listed as follows:

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

Contrary to the above, the licensee failed to periodically (at least annually) review the radiation protection program content and implementation. Specifically the licensee had not reviewed the radiation program content and implementation for calendar years 2005 through 2008.

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

- B. 10 CFR 20.1302 (a) requires, in part that the licensee shall make, 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 April 15, 2009, the licensee had not made surveys of radiation levels in unrestricted and controlled areas to demonstrate compliance with dose limits for individual members of the public. Specifically, from March 11, 2004 to the NRC inspection date of April 15, 2009, the licensee had not performed the required surveys.

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

- C. Condition 15 of License 11-27304-01, requires, in part, that the licensee shall conduct a physical inventory every 6 months 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 on three Troxler Model 3400 Series nuclear gauging devices containing radioactive sources. Specifically, the licensee failed to conduct inventories from January 1, 2005 through December 31, 2008.

EHM responded to previous violations in an answer dated April 6, 2004. The response and corrective actions listed were not sufficient to prevent a recurrence of the referenced violations.

This Corrective Action Plan is prepared to review the conditions that caused the violations and to prepare a new plan to prevent future occurrence of these and similar violations.

REASONS AND CAUSE FOR VIOLATIONS

- A. Annual reviews of radiation program content and implementation

EHM changed RSO officers from Gary Burkett to Brian Luper on June 6, 2007.

EHM management and RSO officer Gary Burkett failed to adequately notify Brian Luper (the new RSO) of the previous inspection deficiencies and EHM commitments for response.

- B. Site Dose Assessment

EHM did hire Qualtec to conduct this survey. The survey was conducted soon after April 6, 2004. EHM and Qualtec are currently unable to produce the records of that survey. Qualtec routinely destroys records after three years.

EHM management and RSO officer failed to protect and file records of the site assessment.

- C. 6 Month Physical Inventory

EHM management and RSO officers failed to conduct physical inventory on three Troxler nuclear gauging devices from January 1, 2005 through December 31, 2008. Although the gauges are monitored daily by personnel, written documentation of inventories were not prepared. EHM failed to provide written inventories as required.

CORRECTIVE ACTIONS

A. Periodic annual reviews of the radiation program content and implementation. Annual reviews have not provided adequate results for radiation program oversight.

- i. EHM will conduct a one hour review meeting with management and employees to review policies and new regulations (including the following items.
 - 1) Radiation program review and oversight.
 - 2) Nuclear gauge physical inventories.
 - 3) Review of NRC violations and actions to correct.
 - 4) Discussion of new regulation requirements.
 - 5) Discussion of license status for each employee.
 - 6) Discussion of employee dose records.

Date of compliance July 6, 2009 (on going)

Management and each employee will sign an attendance sheet.

B. Radiation site survey

A radiation site survey was conducted on April 17, 2009. Records were forwarded to the NRC inspector. EHM has retained a copy of the site record in the system file.

Date of Compliance April 17, 2009

C. Physical inventory (minimum of 6 months)

EHM will prepare a written physical inventory of all gauges at its monthly meetings. The portable gauge audit checklist (Appendix F NUREG-1556 Volume 1) will be prepared and kept in EHM record files.

Date of Compliance July 6, 2009 (on going)

