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Department of the Interior  
US Geological Survey  
Box 25046 MS-974  
Denver CO, 80225  
December 16, 2009

U.S. Nuclear Regulatory Commission Region IV  
ATTN: Anthony Gaines, NMSB-A  
612 East Lamar Bldg, Suite 400  
Arlington, TX 76011-4125

Dear Mr. Gaines,

This letter is in response to your NRC Inspection Report 030-03728/2009-001 and the attached Notice of Violation. The two violations noted in your inspection report are addressed below:

1. Failure to properly mark our well logging source holders as required in 10 CFR 39.31(a) – This violation is admitted, and it occurred on four well-logging sources that the USGS possessed under license 05-01399-08. One of the sources in violation was identified by your inspector on September 15, 2009, and the other sources in violation were identified by USGS employees after the inspection.

The cause for this violation was failure of USGS employees to ensure that the source holders contained the proper markings when they were purchased. Audits of the well-logging projects were performed by the USGS RSO but they failed to detect this problem.

This violation is being addressed by having the proper markings put on the four unmarked source holders. This action was completed on two of the holders by 10/21/09 and photographs of the corrected source holders were sent to your office on 10/23/09. The remaining two holders will be corrected by 6/1/2010.

This violation will be avoided in the future by checking logging tool holders during annual audits. The audit form will be modified to include this check.

Full compliance will be achieved by 6/1/2010.

2. Failure to control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage as required in 10 CFR 20.1802 – This

violation is admitted, and it occurred on 24 low-activity sealed sources that were possessed by the USGS under license 05-01399-08.

The cause for this violation was failure of the USGS to maintain a correct and up-to-date inventory of licensed materials. This failure was multi-faceted: a) Sources had been put in an "exempt" category in the documented inventory, but there was no documentation available to indicate that they had been distributed according to the requirements of 10 CFR 30.18, b) Other sources had been put in an "exempt" category in the documented inventory even though they did not fall within the limits of 10 CFR 30 Schedule B, c) Non-exempt sources were found in the possession of radioisotope users under the license that were not documented in the inventory, d) The USGS Radiation Safety Committee was not presented with complete source inventory documentation during its annual inventory reviews, and e) Personnel in possession of the 24 sources did not understand the correct status of their sources and the resulting inventory requirements.

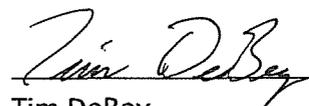
This violation was addressed by performing a complete, physical inventory of all radioactive sources possessed by personnel with Radioisotope Use Permits under license 05-01399-08. Following this inventory, documentation was reviewed for all sources that were thought to be exempt, in order to determine the true status of these sources. Most of the sources that had been designated as exempt were, in fact, not exempt. The source inventory file was then corrected. Additional searching was performed for sources that were in the initial inventory but could not be located. Disposal records were also reviewed to see if any documentation could be found to indicate that the unlocated sources had been disposed of as waste. After these activities, there were still 24 sources that could not be accounted for.

This violation will be prevented in the future by a) performing complete, semiannual inventories of all sources possessed under the license and all exempt sources possessed by personnel with a Radioisotope Use Permit, b) ensuring that a complete inventory is reviewed by the Radiation Safety Committee during its annual reviews and c) ensuring that the inventory documentation is maintained in a complete and up-to-date manner. It is recognized that, according to NUREG 1556, Chapter 7, Section xxx, possession of exempt sources by projects operating under the specific license requires that the exempt sources be disposed of properly. Maintaining a complete inventory, including the exempt sources, will allow us to also meet that requirement.

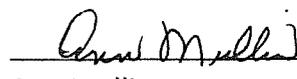
Full compliance on this item was achieved on 9/18/09.

Please contact me or Ms. Ann Mullin (appointed RSO) if you have any questions about this response.

Sincerely,

  
\_\_\_\_\_  
Tim DeBey  
Chairman, USGS Radiation Safety Committee

12/16/09  
date

  
\_\_\_\_\_  
Ann Mullin  
Radiation Safety Officer (appointed)

12/16/09  
date