



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

January 21, 2011

Mr. Terry Zenk, P.E.
President and Radiation Safety Officer
Apex Surveying, Inc.
407 West Adams
P.O. Box 1751
Riverton, WY 82501

SUBJECT: RESPONSE TO NRC INSPECTION REPORT 030-32073/2010-002 AND
NOTICE OF VIOLATION

Dear Mr. Zenk:

Thank you for your letter dated December 30, 2010, in response to the violation identified in our letter and Notice of Violation (Notice) dated December 16, 2010. We have reviewed your letter and find your response and corrective actions to be responsive to our concerns.

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>.

If you have any questions about this letter, please contact Martha Poston-Brown at 817-860-8181 or the undersigned at 817-860-8287.

Sincerely,


Vivian H. Campbell, Chief
Nuclear Materials Safety Branch A

Docket: 030-32073
License: 49-27058-01

cc w/enclosure:
Copy of licensee's response

Scott W. Ramsey, Radiological Services Supervisor
Wyoming Office of Homeland Security
2421 East 7th Street
Cheyenne, WY 82001

cc w/enclosure:

- E. Collins, RA
- R. Caniano, D:DNMS
- C. Cain, DD:DNMS
- J. Whitten, C:NMSB-B
- R4DNMS_MS-A

Hard copy:

RIV Materials Docket File

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ADAMS	X Yes <input type="checkbox"/> No	X SUNSI Rev Complete	Reviewer Initials:	MRP
Publicly Avail	X Yes <input type="checkbox"/> No	Sensitive Value:	n/a	
RIV:C:NMSB-A		C:NMSB-A		
MRPoston-Brown;dlf		VHCampbell		
1/10/11	<i>ABC</i>	1/24/11	<i>ABC</i>	

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APEX SURVEYING, INC.

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12-30-10

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DNMS

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-001

Re: Reply to Notice of Violation in NRC Inspection Report 030-32073/2010-002

To Whom It May Concern,

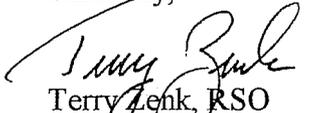
I understand that there was one violation identified as a result of the unannounced follow-up inspection conducted November 18, 2010 at our office. One other employee and I are the only certified gauge users at this time and I personally perform approximately 90% of the work with the gauge.

I will attempt to identify and address the violation as follows;

- The Violation: "Failure to ensure all hazmat employees received recurrent hazmat training as required by DOT regulations. This is a violation of 10 CFR 71.5 and 49 CFR 172.704(c)(2)." - The reason for this violation was ignorance of the requirement for refresher training every three years. It was assumed that the initial training was sufficient for an indefinite period. I had not acquired the refresher training for myself or the other gauge user at our office. I have completed the Hazmat Refresher training and our other gauge user will complete the training within the next 30 days. Copies of the Certificates of the training will be kept on file. This also will be reviewed in the previously adopted annual audit of the radiation safety program. This will prevent violations of the regulation in years to come.

I am hoping this explanation for the reason of violation and corrective action taken will adequately address the issues. I intend to monitor our program more closely and welcome any comments or suggestions you have. Thank you for your consideration.

Sincerely,


Terry Zenk, RSO
Apex Surveying, Inc.

xc NRC Region IV, Vivian H. Campbell, Chief

APNGA

HAZMAT Refresher Training for Portable Nuclear Gauges

Certificate of Completion to:

Terry Zenk

Training must be renewed within three years from today's date:

Thursday, December 30, 2010

This course satisfies the training requirements of 49 CFR 172, Subpart H, including:

- General Awareness/Familiarization
- Function Specific Training
- Safety Training
- Security Awareness
- Driver Training
- LATA Requirements

The organization RSO/Official must certify that the employee has been properly trained and tested per the requirements of 49 CFR 172, Subpart H. The acknowledgment and signature of the RSO/Official makes the training and certificate relevant and valid.

Apex Surveying, Inc.

Company Name

Terry Zenk

Company RSO / Official (print)

Terry Zenk

Signature of RSO / Official

American Portable Nuclear Gauge Association (APNGA)

www.apnga.com

George E. Marshall
APNGA Director