

Follow-up Arb for Allegation : RIII-02-A-0029

March 7, 2002

MEMORANDUM TO: Gary Shear, Chief, Materials Inspection Branch, DNMS

FROM: J Heller OAC

SUBJECT: **ARB for RIII-02-A-0029 (Professional Service Industries)**

On February 25, 2002, Region I received concerns regarding proper surveys, leak tests and documentation for gauges shipped to the licensee's calibration facility. RI referred the issues to RIII for action. On February 27 your staff (1) completed its evaluation of the letter; (2) identified 4 concerns; (3) provided the regulatory basis for the concerns; and (4) proposed that the concerns be referred to the licensee for follow up.

The March 4th ARB discussed the CI's statement that s/he was concerned about identity protection because s/he had forwarded the concerns to the corporate RSO by E-mail. The ARB concluded that either referral or inspection of the issues may reveal that the CI was the source of the concerns. I was asked to contact Ed Baker and discuss the case. I discussed the case with Carl Mohrwinkel and Greg Cwalina since Ed was out of the office. Both agreed that if the written concerns do not fingerprint the CI then referral was acceptable.

I have scheduled an Allegation Review Board (ARB) for March 11, 2002 . Please review the attached information to prepare for the ARB.

cc w/attachments:

ARB Copy

OI

RC

⑦ B-A

ALLEGATION ACTION PLAN

AMS NO. RIII-02-A-0029

 Licensee: PSI
 Docket/License No: 03005985
 Assigned Division/Branch: MIB/DNMS

Allegation Review Board Membership: Chairman - Grant/ Pederson/ Grobe
Paul/ ~~Berson~~ Heller/ Kock/ Clayton Dapas/ Caniano/ Reynolds

q on a special assignment. B2 to D use to continue without him

GShear, DNMS
M. H. Winkler ;
Czwaliwa ;

GENERIC CONCERNS: If Yes Explain: _____

DISCUSSION OF SAFETY SIGNIFICANCE: No immediate threat to public health and safety

OI ACCEPTANCE: YES NO (Priority: HIGH NORMAL LOW)

Basis for OI Priority: _____

OI has Accepted Concern(s) No(s). _____ Signature _____

ARB MINUTES PROVIDED TO: Dyer/Paul/Shear March 3/12/02

ACKNOWLEDGMENT LETTER: PRINT IN FINAL _____ REVISE _____ N/A X

REFERRAL LETTER: A. Licensee YES X NO _____
 B. State of YES _____ NO _____
 C. DOE YES _____ NO _____

date received	February 25, 2002	due date of 1 st ARB	March 27, 2002
due date of ACK Ltr	March 27, 2002	date -90 days old	May 26, 2002
date -120 days old	June 25, 2002	date -150 day old	July 25, 2002
date -180 days old	August 24, 2002	date -365 days old	February 25, 2003
projected date for the 5 yr statute of limitation			February 24, 2007

COMMENTS:

Mark J. Dapas 3/11/02
 Allegation Review Board Chairman Date

AMS No. RIII-02-A-0029

Each stated concern or NRC identified issue should be documented on a separate sheet. Each concern must be documented and written with enough detail to allow thorough follow up.

Concern No. 2 ✓ The CI is concerned that portable moisture-density gauges shipped to the repair/calibration facility were transported without an adequate radiation surveys of the transportation package. The CI stated that gauges have been received at the calibration facility with the gauge shutter partially open.

I. Action Evaluation: The following method of resolution is recommended (circle):

- ✓ **A. Send to Licensee Requesting Response in 30 Days.**
- B. Priority RIII Follow up and Closure Memo to OAC
- C. Follow up During Routine Inspection Within _____ Days and Closure Memo to OAC
- D. Refer to OI. Recommended Priority: HIGH NORMAL LOW
Recommended Basis:
- E. Outside NRC's Jurisdiction. Describe Basis Below.
- F. Too General for Follow-up. Describe Basis Below.
- G. Other (specify) -
Responsible for Action - EICS

II. Special Considerations/Instructions:

Additional detail regarding the concern is not available, since the allegation is anonymous.

In the referral letter (1) provide the location of the repair/calibration facility and (2) limit the time frame for the licensee's investigation to gauges that were received at the repair/calibration facility since 11/1/01.

AMS No. RIII-02-A-0029

Each stated concern or NRC identified issue should be documented on a separate sheet. Each concern must be documented and written with enough detail to allow thorough follow up.

Concern No. 4

The CI is concerned that the radiation safety officer (RSO) has not resolved the issues addressed by concerns 1, 2, and 3.

Regulatory Basis: License Condition

I. Action Evaluation: The following method of resolution is recommended (circle):

- ✓ **A. Send to Licensee Requesting Response in 30 Days.**
- B. Priority RIII Follow up and Closure Memo to OAC
- C. Follow up During Routine Inspection Within _____ Days and Closure Memo to OAC
- D. Refer to OI. Recommended Priority: HIGH NORMAL LOW
Recommended Basis:
- E. Outside NRC's Jurisdiction. Describe Basis Below.
- F. Too General for Follow-up. Describe Basis Below.
- G. Other (specify) -

Remind the licensee in the referral letter that the corporate RSO should not be involved in evaluating this concern since the evaluation should be independent.
Responsible for Action - EICS

II. Special Considerations/Instructions:

PLEASE Do not refer as a concern. Ask the licensee if these issues were already addressed ~~the~~ ask for the result of the evaluation. If these issues were raised to individual within the corporation then assure these investigations is independent of those individuals.

SENSITIVE ALLEGATION MATERIAL

MEMORANDUM

TO: Andrea Kock, Allegations Coordinator, EICS

FROM: G. L. Shear, Chief, Materials Inspection Branch, DNMS

SUBJECT: REVIEW OF ALLEGATION NO. RIII-2002-A-0029 (PROFESSIONAL SERVICE INDUSTRIES, LICENSE NO. 12-16941-04)

In accordance with your February 25, 2002 request, DNMS reviewed the subject correspondence from NRC Region I to: (1) identify new safety concerns and/or enforceable items; (2) determine if there were any violations of NRC requirements; (3) determine the appropriate NRC response; (4) determine if an Office of Investigations (OI) investigation is warranted; and (5) determine if additional information is required to disposition the allegations.

In addition, you requested we identify the NRC Region responsible for providing a response. The concerns were associated with radioactive material receipts from field stations listed on a Region III licensee (license No. 12-16941-04). Therefore, we determined that the issues identified by the concerned individual were the responsibility of NRC Region III.

DNMS has reviewed the subject correspondence and identified four concerns which are discussed below. Our summary of each concern is provided below.

1. **Concern:**
Occasionally portable moisture-density gauges containing licensed materials were not leak tested or had expired leak testing results.

Regulatory Basis:

The licensee is required to perform leak testing of portable moisture-density gauges at intervals not to exceed six months or one year as applicable (reference license condition 13.A.(1)).

Discussion:

The CI stated that he/she received portable moisture-density gauges from field stations that were not leak tested or had expired leak testing results (e.g., testing frequency exceeded license commitment). The field stations were listed on a Region III license No. 12-16941-04. The statement indicated that the licensee may have failed to meet gauge leak testing requirements.

Recommendation:

This concern should be discussed at an allegation review board (ARB) and referred to the licensee for investigation.

2. **Concern:**

Occasionally portable moisture-density gauges containing licensed materials were transported without adequate radiation surveys.

Regulatory Basis:

Title 10 CFR 71 and 49 CFR 173.441 requires that the licensee perform radiation surveys of licensed materials prior to transportation over public highways.

Discussion:

The CI stated that he/she received portable moisture-density gauges with the shutter partially open (due to clogged dirt) from field stations. The type and quantity of licensed materials (eight millicuries of cesium-137) could produce radiation levels in excess of Department of Transportation (DOT) limits (e.g., 200 milliroentgen on contact with the package or 10 milliroentgen at one meter). The statement by the CI and the type of licensed material involved indicate that the licensee may have exceeded transportation limits or performed an adequate survey prior to transport.

Recommendation:

This concern should be discussed at an allegation review board (ARB) and referred to the licensee for investigation.

3. **Concern:**

The CI informed management, specifically the radiation safety officer (RSO), of these concerns and received no response.

Regulatory Basis:

License application dated August 23, 2000 under "LETTER OF APPOINTMENT" requires the RSO to: (1) ensuring radiation safety activities are performed in accordance with approved PSI procedures and regulatory requirements; and (2) ensure licensed materials is transported in accordance with applicable DOT requirements.

Discussion:

This concern could involve the failure of the Corporate RSO to ensure the licensee's radiation safety practices were in accordance with applicable regulations. The CI stated that he/she notified the Corporate RSO of these concerns by email. The CI also stated that he/she has not been given any indication that anything is being done to remedy the problems coming from the field locations. However, the CI did not indicate how much time had elapsed without response from the Corporate RSO. Therefore, we cannot determine if the Corporate RSO has had enough time adequately respond to the concerns.

Recommendation:

This concern should be discussed at an allegation review board (ARB) and referred to the licensee for additional information. However, the licensee should be made aware of the Corporate RSO involvement in this concern and reminded that the investigation must be conducted independently.

4. **Concern:**

SENSITIVE ALLEGATION MATERIAL

Occasionally portable moisture-density gauges containing licensed materials were received without any paperwork.

Regulatory Basis:

The regulatory basis cited in concerns one and two, or possibly others.

Discussion:

The CI stated that he/she received portable moisture-density gauges from field stations that occasionally that had no paperwork at all. The statement does not contain enough detail to determine if it refers generically to the first two concerns or if it refers to other paperwork (i.e., shipping papers).

Recommendation:

This concern should be discussed at an allegation review board (ARB) and referred to the licensee for additional information.

DOCUMENT NAME:

To receive a copy of this document, indicate in the box: "C" = Copy without enclosure "E" = Copy with enclosure "N" = No copy

OFFICE	RIII		RIII				
NAME	Martin:ib		Shear				
DATE	03/ /02		02/ /02				