

Dykert, Jason

From: Curtis Thompson <curtis@djanda.com>
Sent: Wednesday, October 28, 2015 9:52 AM
To: Dykert, Jason
Cc: Chris Anderson
Subject: [External_Sender] DJ&A NRC Follow-up

Jason,

Regarding our conversion yesterday where you notified me that the NRC is considering our arrangement with Missoula County for the County employees to use our nuclear density gauge an apparent violation under CFR 30.34, DJ&A will immediately stop allowing the County to use our gauge. For the short term, we will offer to provide a DJ&A employee to do the density testing for the County or suggest the County find another licensed density gauge operator. We have a few ideas about long-term corrective action in case a similar need arises in the future:

1. Suggest the County obtain a license through the NRC which would allow them to rent our density gauges,
2. Draft a rental agreement with the County to be approved by NRC licensing prior to renting the gauges, as you suggested.

We disagree with the interpretation that our current arrangement with the County constitutes a transfer of ownership or control of the gauge. Our relationship with the County allows DJ&A to maintain control, oversight and responsibility for the use of the density gauge. We trained the County employees in the same manner we train our own employees and require them to operate in compliance with our safety plan. County management understands and respects DJ&A's ultimate authority over the gauge usage. This is evidenced by your recent inspection where I was told you found no concerns with how the County employees were operating, transporting or storing the gauge. We have had temporary employees as gauge users in the past, hired through an employment agency, an arrangement I have been told is acceptable to the NRC. In our opinion, our recent arrangement with the County is similar in nature and should be treated as such by the NRC.

Sincerely,

Curtis N. Thompson, P.E., RSO
DJ&A, P.C.

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