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October 10, 2019

Mr. David L. Pelton, Director
Division of Nuclear Materials Safety
Washington, D. C. 20555-001

RE: Response to the Apparent Violations
in NRC Inspection Report
No. 3030982/2019001 (DNMS)
EA-19-079

Dear Mr. Pelton:

This letter is in response to your letter dated September 13, 2019 and addresses the 4 apparent violations in the referenced letter:

1. REASON FOR THE APPARENT VIOLATIONS

From the time we obtained our first gauge in 1989 until July of this year, we had the same Radiation Safety Officer. Mr. Lew Vaillencourt served in that capacity as a full time employee and as a consultant on an as needed basis. In 2016, in recognition of the fact that Mr. Vaillencourt's services were utilized on a less frequent basis, I assigned another staff member and gauge user to initiate a change in RSO. Unfortunately, a short time later he encountered a serious medical condition that required surgery and a long rehab program. He ultimately decided he did not want to pursue becoming the new RSO and it became necessary to designate a new RSO. This has been completed and Mr. Craig Bal is the new RSO.

Unfortunately, some of the activities that are the responsibility of the RSO, did not get completed during this longer than usual transition period.

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2. CORRECTIVE ACTIONS TAKEN

Following is a summary listing of the corrective actions that have been taken:

A. CHANGE IN RSO

The License Amendment Request to change RSO was filed on July 24, 2019. Approval has been received. Mr. Bal has reviewed the "Typical Duties and Responsibilities of the Radiation Safety Officer" and the Engineer in Charge confirms that the duties are being performed.

B. TRAINING ON GAUGE USAGE

We currently have 3 employees that operate the gauges. All have received Troxler training.

C. HAZMAT TRAINING

All gauge users have completed Hazmat Training.

D. BILL OF LADING

The Bill of Lading has been updated. Each vehicle transporting the gauges has a copy of the Bill of Lading.

E. LEAK TESTS

Each of the gauges has been Leak Tested, and will continue to be tested at the required frequency.

F. GAUGE USER MEETINGS

The RSO conducts meetings with the gauge users at 10 day to 2 week intervals. Minutes are prepared and kept on file. Reports are reviewed by the Engineer in Charge, who also participates in some of the meetings.

G. DOSIMETRY BADGES

Bittner Engineering has a contract with Landauer to process the badges and issue Radiation Dosimetry Reports. This program has been in place since gauge ownership commenced in 1989 (and copies of all reports are kept on file).

H. ANNUAL AUDIT OF RADIATION SAFETY PROGRAM

The Annual Portable Gauge Audit Report was completed on 8/1/19 and submitted to your Agency.

3. CORRECTIVE STEPS TO AVOID FURTHER VIOLATIONS

Mr. Draper's site visit and followup communications have been instrumental and helpful in creating a better understanding and awareness of the requirements and responsibilities of gauge ownership and usage. During the course of his inspection and followup, more focused and frequent discussions have been held among the Bittner Engineering team and the noted deficiencies have been corrected.

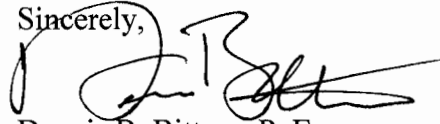
Having corrected the deficiencies and implementing additional internal management controls, further violations will be avoided.

4. DATE OF FULL COMPLIANCE

As noted earlier, all corrective actions have been implemented. They were all completed beginning immediately after Mr. Draper's inspection with the final item, the "Annual Portable Gauge Audit Report" being completed and submitted on August 1, 2019.

I trust that this report adequately addresses the items included in the September 13, 2019 letter. Please contact me if additional information is needed.

Sincerely,



Dennis B. Bittner, P. E.
President
Bittner Engineering, Inc.

CC: NRC Region III Office ✓
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