

December 8, 1988

Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555

Re: Reply to a Notice of Violation NRC
Inspection Report No. 15000039/88-01
License No 346-South Carolina

Gentlemen:

Reference is made to your letter dated November 22, 1988 and received December 1, 1988 concerning the notice of violation with respect to the moisture density gauge current on our Project. In response and reply to your letter we herein provide the following requested information and comments.

Prior to the receipt of the Campbell Pacific Moisture Density Gauge on the Chesterfield Freeway Project, we had contacted Mr. Tom Stone of the Virginia Bureau of Radiological Health and inquired of his offices exactly what steps we were required to take to be in compliance with any existing regulations. Based on our phone conversations and our correspondence (see attached enclosures), we had posted the Emergency Phone Numbers and a copy of the Virginia Health Departments Form RH-F-12 and instituted the other measures referred to in our correspondence (i.e. employee training, monitoring, storage, etc.) and so were in compliance to the best of our knowledge.

However, during the NRC inspection conducted at our site on October 31, 1988 by Mr. Lee Franklin, we learned that in addition to these measures that we were also required to:

1. Have a Shippers Declaration of Dangerous Goods within arms reach of a seat belted driver.
2. Post Federal Form NRC-3 with a notice stating that all documents pertaining to the unit, including 10CFR19 and 10CFR20 are available for examination in our project office.

We abated Item No. 1 on November, 1988, by following the instructions of Mr. John Potter from the NRC Region II Offices. Item No. 2 was abated on October 31, 1988 when we posted the copy of Federal Form NRC-3 which Mr. Lee Franklin issued to us

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NMSS LIC30 PDC

An **Atkinson** Company

P.O. Box AL, Chester, Virginia 23831 Telephone: 804/271-4555

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during his inspection. Written notice of these abatements was sent to Mr. Lee Franklin on November 16, 1988 (see attached enclosure).

Please advise us if any additional measures are required for our project to be in compliance.

Sincerely,

TYGER CONSTRUCTION COMPANY INCORPORATED

Elizabeth B. Tomlin

Elizabeth B. Tomlin
Regional Safety Supervisor

Enc: Correspondence with Tom Stone
Correspondence with Lee Franklin

XC W/Enc: William E. Cline-NRC Region II
Lee Franklin-NRC Region II
James Penn-Tyger Construction

EBT/peh

August 22, 1988

Bureau of Radiological Health
109 Governor Street
Richmond, Virginia 23219

Attention: Mr. Tom Stone

Dear Mr. Stone,

As per our phone conversation of August 19, 1988, I am writing you to request that your department issue reciprocal certification for our MC-1 Moisture/Density Gauge which has been sent to our field site in Chester, Virginia, from our home office in Spartanburg, South Carolina.

The machine is for use on the Chesterfield Freeway Project only and when not in use will be stored in our outside storage yard in a locked and properly placarded container. Three of our employees, Russell Rogers, Dalton Long and Abdol Jalajel, are certified to safely operate the gauge and are the only individuals allowed access and use of the device. Radiation monitoring of the above three employees is being provided by Landauer Dosimetry Services, who have issued the appropriate film badges and will be providing the required testing and reports on a monthly basis.

A copy of our South Carolina license and of Landauer's Certificate of Accreditation is enclosed as per your request. In return, I would like to request that a copy of "Form -12: Notice to Employees," as well as any available poster on obtaining Emergency Radiological Assistance for Virginia, be sent to our local office address. Please contact me or our Project Engineer, David Behrens, if you need any additional information.

Thank you for your assistance.

Sincerely,

TYGER CONSTRUCTION COMPANY, INC.

Elizabeth B. Tomlin

Elizabeth Tomlin
Regional Safety Supervisor

EBT/dbi

United States Department of Commerce
National Bureau of Standards



Certificate of Accreditation

R. S. LANDAUER, JR. & COMPANY
Glenwood, Illinois

is recognized under the National Voluntary Laboratory Accreditation Program
for satisfactory compliance with criteria established in Title 15, Part 7 Code of Federal Regulations for:
providing specific Personnel Radiation Dosimetry Processing Services



Effective until October 1, 1988

A handwritten signature in black ink, appearing to read 'J. W. Madsen'. The signature is written over a horizontal line.

For the National Bureau of Standards

South Carolina Department of Health and Environmental Control

2600 Bull Street
Columbia, S.C. 29201

Commissioner
Michael D. Jarrett



Board
Moses H. Clarkson, Jr., Chairman
Oren L. Brady, Jr., Vice-Chairman
Euta M. Colvin, M.D., Secretary
Harry M. Hallman, Jr.
Henry S. Jordan, M.D.
Toney Graham, Jr. M.D.

August 3, 1988

Mr. James R. Penn
Tyger Construction Company, Inc.
120 Heyward Ave.
P.O. Box 5684
Spartanburg, SC 29304

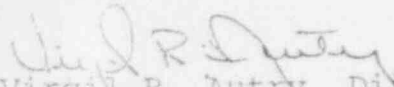
Dear Mr. Penn:

In accordance with your application dated July 29, 1988, your S.C. Radioactive Material License No. 346 has been renewed. Enclosed is License Amendment No. 01 which extends the expiration date until July 31, 1993.

Also, in an effort to maintain compatibility with the U.S. Nuclear Regulatory Commission, Condition 17 has been added to your license requiring you to perform and document semiannually inventories for review by the Department.

If you have any questions regarding your license, please feel free to contact our office at (803) 734-4700.

Very truly yours,


Virgil R. Autry, Director
Division of Radioactive Material
Licensing and Compliance
Bureau of Radiological Health

MAY/ac

Enclosure

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Radioactive Material License
Supplementary Sheet

License Number 346

Amendment No. 01

Tyger Construction Company
120 Heyward Avenue
Spartanburg, SC 29304

In accordance with application dated July 29, 1988, signed by James R. Penn, S.C. Radioactive Material License No. 340 is hereby AMENDED:

TO CHANGE:

- 4. Expiration Date
- 4. July 31, 1993

TO CHANGE:

Condition 16.

- 16. a. Except as specifically provided otherwise, the licensee shall possess and use radioactive material described in Items 5, 6, and 7 of this license in accordance with statements, representations, and procedures contained in application dated June 22, 1983, signed by Theodore Myers, III, and renewal application with attachments dated July 29, 1988, signed by James R. Penn.

TO ADD:

Condition 17.

- 17. The licensee shall conduct a physical inventory every six (6) months to account for all Radioactive Material received and possessed under the license. The records of the inventories shall be maintained for inspection by the Department, and shall include the quantities and kinds of radioactive material, manufacturer's name and model numbers, location of Radioactive Material, and the date of the inventory.

of Issuance August 3, 1988

For the South Carolina Department
of Health and Environmental Control



COMMONWEALTH of VIRGINIA

C. M. G. BUTTERY, M.D.
COMMISSIONER

*Department of Health
Bureau of Radiological Health
109 Governor Street, Room 915
Richmond, Virginia 23219*

CENTRAL OFFICE
804/786-5932

EASTERN REGIONAL
804/460-5316

S. W. REGIONAL OFFICE
703/982-7411

NORTHERN REGIONAL OFFICE
703/430-8609

September 29, 1988

Ms. Elizabeth Tomlin
Tyger Construction Co., Inc.
P. O. Box AL
Chester, Virginia 23831

Dear Ms. Tomlin:

This is to acknowledge your request for use of your Moisture/Density Gauge in Virginia. Under Virginia's Radiation Protection Regulations Article 5, pages 60 - 61 (copy enclosed), you may conduct activities up to 180 days in any calendar year provided you follow the prescribed guide lines.

All communications should be made through this office.

I am also enclosing a copy of Form 12 as requested.

If I may be of further help to you, please call me at 786-5932.

Sincerely,

A handwritten signature in cursive script that reads "Thomas W. Stone".

Thomas W. Stone
Radiation Safety Specialist

TWS:nc
Enc.

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RH-F-12
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Virginia Health Department
Radiological Health
NOTICE TO EMPLOYEES

STANDARDS FOR PROTECTION AGAINST RADIATION

Notices, Instructions and Report to Workers
Inspections

Your Employer's Responsibility

Your employer is required to:

1. Apply these Department of Health regulations and any conditions of his radioactive materials license to all work involving radiation sources.
2. Post or otherwise make available to you a copy of the regulations, licenses, and operating procedures which apply to work you are engaged in, and explain their provisions to you.
3. Post Notice of Violations involving radiological working conditions, proposed imposition of civil penalties and orders.

Your Responsibility as a Worker

You should familiarize yourself with these provisions of the regulations and operating procedures which apply to work you are engaged in. You should observe their provisions for your protection and the protection of your co-workers.

What is covered by these regulations

1. Limits on exposure to radiation and radioactive materials in restricted and unrestricted areas;
2. Measures to be taken after accidental exposure;
3. Personnel monitoring, surveys and equipment;
4. Caution signs, labels, and safety interlock equipment;
5. Exposure records and reports; and
6. Related matters.

Reports on your exposure history

1. The Dept. of Health regulations require that your employer give you a written report if you receive an exposure in excess of any applicable limit as set forth in the regulations or the license. The basic limits for exposure to employees are set forth in § 5.101, § 5.103, and § 5.104 of the regulations. These sections specify limits on exposure to radiation and exposure to concentrations of radioactive material in air or water.
2. If you work where personnel monitoring is required pursuant to § 5.202;
 - a. Your employer must give you a written report of your radiation exposure upon the termination of your employment and,
 - b. Your employer must advise you annually of your exposure to radiation.

Inspections

All licensed or registered activities are subject to inspection by representatives of the Dept. of Health. In addition, any worker or representative of workers who believes that there is a violation of the Va. Radiation Protection Regulations or the terms of the employer's license or registration with regard to radiological working conditions in which the worker is engaged, may request an inspection by sending a notice of the alleged violation to Radiological Health. The request must set forth the specific grounds for the notice, and must be signed by the worker as the representative of the workers during inspections. Health Dept. inspectors may confer privately with the workers, and any worker may bring to the attention of the inspectors any past or present condition which he believes contributed to or caused any violation as described above.

Posting requirements

Copies of this notice must be posted in a sufficient number of places in every establishment where activities covered by the regulations are conducted to permit employees working in or frequenting any portion of a restricted area to observe a copy on their way to or from their place of employment.

INQUIRIES

Inquiries dealing with matters outlined above can be sent to:

Va. Health Dept.	Telephone:
Radiological Health	(804) 786-5932
109 Governor Street	(800) 468-0138 toll free
Richmond, Va. 23215	

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Part IV

4. The transferor may obtain other information compiled by a reporting service from official records of the commissioner, the U. S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State as to the identity of licensees and the scope and expiration dates of licenses and registration;

5. When none of the methods of verification described in § 4.40-D-1 through 4 are readily available or when a transferor desires to verify that information received by one of such methods is correct or up-to-date, the transferor may obtain and record confirmation from the commissioner, the U. S. Nuclear Regulatory Commission, or the licensing agency of an Agreement State or a Licensing State that the transferee is licensed to receive the radioactive material.

E. Preparation for shipment and transport of radioactive material shall be in accordance with the provisions of § 4.100.

§ 4.41 to § 4.49 Reserved.

§ 4.50 Modification, Revocation, and Termination of Licenses.

A. The terms and conditions of all licenses shall be subject to amendment, revision, or modification or the license may be suspended or revoked by reason of amendments to the Act, or by reason of rules, regulations, and orders issued by the commissioner.

B. Any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under provisions of the Act, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the commissioner to refuse to grant a license on an original application, or for violation of, or failure to observe any of the terms and conditions of the Act, or of the license, or of any rule, regulation, or order of the commissioner.

C. Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, no license shall be modified, suspended, or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.

D. The commissioner may terminate a specific license upon request submitted by the licensee to the commissioner in writing.

§ 4.51 to § 4.89 Reserved.

Article 5

Reciprocity

§ 4.90 Reciprocal Recognition of Licenses.

A. Licenses of Byproduct, Source, and Special Nuclear Material in Quantities Not Sufficient to Form a Critical Mass.

1. Subject to these regulations, any person who holds a specific license from the U. S. Nuclear Regulatory Commission or any Agreement State, and issued by the agency having jurisdiction where the licensee maintains an office for

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Part IV

directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this State for a period not in excess of 180 days in any calendar year provided that:

- a. the licensing document does not limit the activity authorized by such document to specified installations or locations;
- b. the out-of-state licensee notifies the commissioner in writing at least 3 days prior to engaging in such activity. Such notification shall indicate the location, period, and type of proposed possession and use within the State, and shall be accompanied by a copy of the pertinent licensing document. If, for a specific case, the 3 day period would impose an undue hardship on the out-of-state licensee, he may, upon application to the commissioner, obtain permission to proceed sooner. The commissioner may waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license provided in § 4.90-A-1;
- c. the out-of-state licensee complies with all applicable regulations of the commissioner and with all the terms and conditions of his licensing document, except any such terms and conditions which may be inconsistent with applicable regulations of the commissioner.
- d. the out-of-state licensee supplies such other information as the commissioner may request; and
- e. the out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in § 4.90-A-1 except by transfer to a person:

(1) specifically licensed by the commissioner or by the U. S. Nuclear Regulatory Commission to receive such material, or

(2) exempt from the requirements for a license for such material under § 4.4-A.

2. Notwithstanding the provisions of § 4.90-A-1, any person who holds a specific license issued by the U. S. Nuclear Regulatory Commission or an Agreement State authorizing the holder to manufacture, transfer, install, or service a device described in § 4.22-D-1 within areas subject to the jurisdiction of the licensing State is hereby granted a general license to install, transfer, demonstrate or service such a device in this State provided that:

a. such person shall file a report with the commissioner within 30 days after the end of each calendar quarter in which any device is transferred to or installed in this State. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;

b. the device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the U. S. Nuclear Regulatory Commission or an Agreement State;

Speed Message

From Tyco Coast. Co.
P. O. Box 41
Chester, Va. 23831

To Mr. Lee Franklin U.S.NRC
101 Marietta St., N. J. Suite 2900
Atlanta, Ga. 30323

Date Nov. 16 1988

Subject NRC Form 241

Dear Mr. Franklin,

Thank you for sending me the packet with the 241 Forms, the notes on the required shipping papers, and the copies of the NRC codes. I have enclosed a completed form 241 for the MC-I gauge at the Chestaluid Project along with 4 copies of the South Carolina license pertaining to the unit. As you know we have posted the Federal Poster which you gave us on Oct 31st when you were set site, and using the shipping paper notes which you have sent me, we now have a copy of the shipper's Declaration of Dangerous Goods in a plastic folder available to our driver's reach whenever the unit is being driven about the site. Please let me know if you need any additional information. Thank you for your assistance.

Joe: Dave Edwards
James Penn

Signed Elizabeth B. Franklin

U.S. NUCLEAR REGULATORY COMMISSION

REPORT OF PROPOSED ACTIVITIES IN NON-AGREEMENT STATES

(Please read the instructions on the cover sheet before completing this form.)

1. NAME OF LICENSEE (Person or firm proposing to conduct the activities described below) Tyger Construction Co., Inc.	2. ADDRESS OF LICENSEE (Mailing address or other location where licensee may be located) 120 Heywood Avenue Spartanburg, S.C. 29302
3. NAME OF PERSON AUTHORIZED BY LICENSEE TO PERFORM ACTIVITY Russell Rogers & Abdol Jalajel	

4. DESCRIPTION OF ACTIVITIES TO BE CONDUCTED IN NON-AGREEMENT STATES UNDER THE GENERAL LICENSE GIVEN IN 10 CFR 150.20
Use of a Campbell Pacific Corp., - Model MC-1 Porta Probe moisture density gauge for measuring soil density and moisture.


5. LOCATIONS AT WHICH THESE ACTIVITIES WILL BE CONDUCTED AND DATES SCHEDULED.

STREET AND NUMBER OR OTHER LOCATION (Give as complete an address as possible)	CITY AND STATE	DATES SCHEDULED		NO. OF DAYS
		FROM	TO	
Tyger Construction Co., Inc. Chesterfield Freeway Project Route 145, Chester Road Chester, Va. 23831	Chester, Va. 23831	8-18-88	2-13-89	180
		on or before above date *		

6. LIST SEALED SOURCES, OR DEVICES CONTAINING SEALED SOURCES, WHICH WILL BE POSSESSED, USED, INSTALLED, SERVICED OR TESTED IN NON-AGREEMENT STATES. (Include description of type and quantity of radioactive material contained in each sealed source or device.) Sealed source Campbell Pacific Model No. MC-1, Cesium 137/
Americium 241: BE, Quantity 10/50 millicuries

7. NUMBER OF SPECIFIC LICENSE AND NAME OF STATE ISSUING SUCH SPECIFIC LICENSE WHICH AUTHORIZES THE UNDERSIGNED TO CONDUCT ACTIVITIES WHICH ARE THE SAME, EXCEPT FOR LOCATION OF USE, AS THOSE SPECIFIED IN ITEM 4 ABOVE. (Four copies of the specific license must accompany this report.)
South Carolina Radioactive Material License No. 346 with license amendment No. 01, Expiration date 7-31-93

CERTIFICATE

<p>B. I, THE UNDERSIGNED, HEREBY CERTIFY THAT:</p> <p>a. All information in this report is true and complete.</p> <p>b. I have read and understand the provisions of the general license 10 CFR 150.20 reprinted on the cover sheet of this form set; and I understand that I am required to comply with these provisions as to all byproduct, source, or special nuclear material which I possess and use in non-Agreement States under the general license for which this report is filed with the U.S. Nuclear Regulatory Commission.</p> <p>c. I understand that activities, including storage, conducted in non-Agreements under general license 10 CFR 150.20 are limited to a total of 180 days in any calendar year.</p>	DATE November 16, 1988
	LICENSEE'S NAME (TYPE OR PRINT) Tyger Construction Co., Inc.
	CERTIFYING OFFICIAL
	SIGNATURE 
	TITLE Project Engineer