

**McDOWELL & ASSOCIATES**

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October 25, 1989

Director - Office of Enforcement  
U.S. Nuclear Regulatory Commission  
Washington D.C. 20555

Attention: Document Control Desk

Subject: Reply to a Notice of Violation

Gentlemen:

- A) 10 C.F.R. 20.201 (a,b). We agree with the violation. We did not know that we were required to perform the survey. At the time of our inspection the radiation level was checked by Region III representative and found to be below the required limit for radiation levels in an unrestricted area. It was determined that if all the gauges were in the storage area there is the possibility of exposure of radiation levels above the required limits. On August 30, 1989 we have begun placement of a six inch (6") concrete wall in the storage room to reduce the radiation level transmitted through the walls. We will be contacting Troxler Laboratory to obtain a meter to determine the radiation level. The concrete wall will be completed when we receive from Region III acceptance of our storage area.
- B) 10 D.F.R. 20.207 (a). We agree to the violation. The employees did not know the device was to be secured to the vehicle. We have obtained wire cables for each device. We also have sent out a memo to all nuclear gauge users that all the devices will be secured to the vehicle. Also, all the cables will be locked to the vehicle and case. This was done on June 29, 1989.
- C) License Condition No. 10. We agree to the violation. It was an oversight during our move. Also, at this time of year it is the start of our busy season. In September, 1989, we have submitted our change of address to Region III along with the appropriate fee. We have been informed by Region III that our application has been reviewed and will be processed quickly.
- D) License Condition No. 13. We agree to the violation. The reason for missed leak test is due to mismarking of our check-off sheet. We are going to leak test all machines during the holiday week of December and June, prior to the height of our busy season. We will be sending out memo's to the employees to remind them that the devices will need to be leak tested. Also, all the leak tests will be performed by the same individual which will eliminate any possible oversight. This will begin December, 1989.

Geotechnical & Hydrogeological Services  
Materials Testing & Inspection

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- E. License Condition No. 13B. We agree with the violation. These devices were purchased from Troxler on February 28, 1989. The leak tests performed by Troxler prior to shipment of the gauges were misfiled. We have obtained copies of all our leak tests from Troxler on July 3, 1989. We have set up a file for each device we own to insure records do not get misfiled. We have sent to Region III a copy of these leak tests.
- F. License Condition No. 15. We agree that we have not done a "survey" of our equipment as per the regulation states. At the time of our inspection, we were inspecting each gauge to insure that the gauge was in proper working order and that all the equipment was intact. We kept a log of who had each device, when it was taken out and when it was returned. This inspection would have been done on either daily, weekly or monthly basis. As per Region's III office suggestion we are going to perform our survey at the same time we do our leak testing of the devices. This process will insure that it will be done on six month intervals.
- G-1) License Condition No. 16. 49CFR-177.842 d. We agree to the violation. At the time of our inspection, we were not aware of this regulation. We have instructed all the employees who use the devices to properly secure the cases. They have also been instructed to obtain any needed material to insure this will be done. The employees were informed on July 6, 1989. Compliance was completed by July 28, 1989.
- G-2,3 49 C.F.R. 177.817 (a,c) (2). We agree with the violation. At the time the gauges were issued to the employees the gauge cases had the appropriate papers. Also, the employees had been issued the appropriate papers. After questioning the employees, they stated the papers were either misplaced or in another vehicle. On July 6, 1989 all the employees who use the devices have been given a complete set of papers for each gauge. They also have been informed to keep the correct transportation papers on the seat next to them and the remainder in the glove box.
- H. License Condition No. 17. We agree with the violation. On July 6, 1989 we contacted Troxler Laboratory and obtained locks for the handies for all our devices and for the carrying case. The locks were placed on the devices and cases by July 21, 1989.

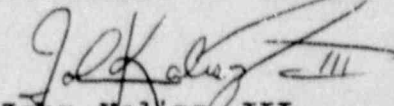
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Along with the previous statements, we have been inspecting each device that is brought into the office for storage to insure that each machine is locked properly and the gauges are not damaged.

We are also going to randomly inspect the devices at the job site to insure that the employees are properly using the devices and that they are locked and the papers are in their proper place.

Very truly yours,

MCDOWELL & ASSOCIATES

  
John Kalisz, III  
Radiation Safety Officer

JH:jc