

JAN - 5 1990

In Reply Refer To:  
License: 49-23316-01  
Docket: 30-20904/89-01

Department of the Interior  
Bureau of Land Management  
ATTN: Dave Walter  
Deputy State Director  
Operations  
P.O. Box 1828  
Cheyenne, Wyoming 82001

Gentlemen:

Thank you for your letter of November 29, 1989, in response to our letter and attached Notice of Violation both dated November 17, 1989. We have reviewed your reply and find it responsive to the concerns raised in our Notice of Violation. We will review the implementation of your corrective actions during a future inspection to determine whether full compliance has been achieved and will be maintained.

Sincerely,

*Original Signed By:*

A. B. BEACH

A. Bill Beach, Director  
Division of Radiation Safety  
and Safeguards

cc:  
Wyoming Radiation Control Program Director

bcc w/copy of licensee letter:  
DMB - Original (IE-07)  
RDMartin  
ABBeach  
LAYandell  
LShea, RM/ALF (AR-2015)  
CLCain  
WLFisher  
WLHolley  
NMSB  
MIS System  
RIV Files (2)  
RSTS Operator

RIV:NMIS  
WLHolley:ch  
1/3/90

C:NMIS  
CLCain  
1/4/90

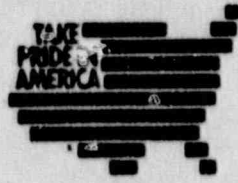
ABBeach  
1/4/90

1/4  
IE-07

9001170211 900105  
REG4 LIC30  
49-23316-01 PDC

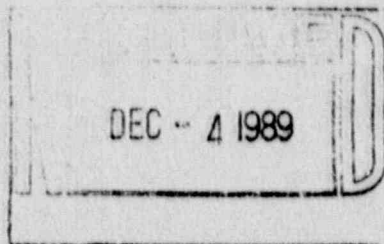


# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
WYOMING STATE OFFICE  
P.O. BOX 1828  
CHEYENNE, WYOMING 82003

1112 (941)



NOV 29 1989

Nuclear Regulatory Commission  
Region IV  
611 Ryan Plaza Drive, Suite 1000  
Arlington, Texas 76011

Reference:  
License: 49-23316-01  
Docket: 30-20904/89-01

Dear Sir:

This is our response to the Notice of Violation dated November 17, 1989.

Violation 1. (Leak Tests) The leak tests had not been taken at the intervals required by the regulations. We have two gauges which are intended to be shared among four Districts within the State of Wyoming. In the past few years our construction activity which called for the use of the gauges remained in the same two Districts. Therefore, they were not returned to the permanent storage facilities in Cheyenne. Due to personnel turnover in our Cheyenne office the responsibility for the leak tests was misassumed. In the future a file/log will be kept by the Radiation Protection Officer and the tests will be monitored from one office. Both gauges have current leak tests. Model 3411-B Troxler Gauge, S/N 8772, was last tested September 18, 1989, and Model 3411-B Troxler Gauge, S/N 10643, was last tested November 6, 1989. These two gauges will be returned to the Cheyenne office where they will be stored until next field season. At that time leak tests will be performed prior to returning them to the field offices.

Violation 2. (Shipping Papers) The necessary shipping papers did not always accompany our gauges when they were transported by motor vehicle. This was due mostly to our poor interpretation of transportation on public highways. We wrongfully did not consider going between our field offices and construction sites as transportation on highways. Special packets containing the required papers are being made up and will always accompany the gauges whenever they are transported. A log book will also accompany the gauges and every trip will be logged. This will be accomplished before the gauges are returned to the Cheyenne office this winter.

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IC-B4-701

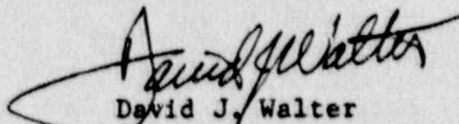
IE07

Violation 3. (Radiation Exposure Records) Our radiation exposure records are incomplete. Similar to violation 1, the responsibility for monitoring the radiation exposures was confused. Like our solution to violation 1, this function will no longer be performed in our field offices. The distribution of badges and the ordering of the tests will be done from our Cheyenne office. At that time the records will be kept. This change will take place before February 1990.

Violation 4. (Physical Inventory Records) Although physical inventories were made, no records were kept. This requirement had just been overlooked. Special periodic inventories will be made and the records will be kept. The first inventory will be made in January 1990.

We hope that the above answers to our violations are acceptable.

Sincerely,

A handwritten signature in cursive script, appearing to read "David J. Walter". The signature is written in dark ink and is positioned above the typed name and title.

David J. Walter  
Deputy State Director, Operations

NOV 17 1989

In Reply Refer To:  
License: 49-23316-01  
Docket: 30-20904/89-01

Department of the Interior  
Bureau of Land Management  
ATTN: Dave Walter  
Deputy State Director for Operations  
P.O. Box 1828  
Cheyenne, Wyoming 82001

Gentlemen:

This refers to the routine, unannounced radiation safety inspection conducted by Mr. Wesley Holley of this office on October 25 and 27, 1989, of the activities authorized by NRC Byproduct Material License 49-23316-01, and to the discussion of our findings held by the inspector with members of your staff at the conclusion of the inspection.

The inspection was an examination of the activities conducted under the license as they relate to radiation safety and to compliance with the Commission's rules and regulations and the conditions of the license. The inspection consisted of selective examinations of procedures and representative records, interviews of personnel, and observations by the inspector.

During this inspection, certain of your activities were found not to be conducted in full compliance with NRC requirements. Consequently, you are required to respond to this matter in writing, in accordance with the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Your response should be based on the specifics contained in the Notice of Violation enclosed with this letter.

The inspector also reviewed the actions you had taken with respect to the violations observed during our previous inspection conducted on February 21, 1985. He verified that the corrective actions for some of the violations had been implemented as you committed to by signing NRC Form 591 dated March 14, 1985. However, he noted that one violation had recurred since the previous inspection. This item is identified as Violation 1 in the attached Notice.

We are concerned about the implementation of your program in the area of management control in that your corrective actions were not effective and resulted in recurrence of this violation. Consequently, in your reply to this letter, you should describe those specific actions planned or taken to improve the effectiveness of the management control of your licensed operations, with particular emphasis on measures currently being taken to prevent further violations.

\*RIV:NMIS  
WHolley:lm  
/ /89

\*C:NMIS  
CLCain  
/ /89

\*D:DRSS  
ABBeach  
" /17/89

\*Previously Concurred

IE-07

8911290327 JPP

The response directed by this letter and the accompanying Notice is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Should you have any questions concerning this letter, we will be pleased to discuss them with you.

Sincerely,

Original Signed By:  
LAWRENCE A. YANDELL *for*

A. Bill Beach, Director  
Division of Radiation Safety and  
Safeguards

Enclosure:  
Appendix - Notice of Violation

cc:  
Wyoming Radiation Control Program Director

bcc:  
DMB - Original (IE-07)  
RDMartin  
ABBeach  
LAYandell  
LShea, RM/ALF (AR-2015)  
\*CLCain  
\*RJEverett  
\*WHolley  
\*NMIS  
\*MIS System  
\*RIV Files (2)  
\*RSTS Operator  
\*REHall, URFO

\*W/766

APPENDIX  
NOTICE OF VIOLATION

Department of the Interior  
Bureau of Land Management  
Cheyenne, Wyoming

Docket: 30-20904/89-01  
License: 49-23316-01

During an NRC inspection conducted on October 25 and 27, 1989, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1989) (Enforcement Policy), the violations are listed below:

1. License Condition 13 requires, in part, that each sealed source containing licensed material shall be tested for leakage and/or contamination at intervals not to exceed 6 months.

Contrary to the above, sealed sources containing 10 millicuries of americium-241 and 50 millicuries of cesium-137 and installed in a Model 3411B Troxler Gauge with Serial No. 10643 were not leak tested during the interval from February 1985 to October 1989. Similar sources in a Model 3411B Troxler Gauge with Serial No. 8772 were not leak tested on three required occasions from July 1986 to March 1989.

This is a repeat violation.

This is a Severity Level IV violation. (Supplement VI)

2. 10 CFR 71.5(a) requires that licensees who transport licensed material outside the confines of their plants or deliver licensed material to a carrier for transport comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Part 170-189.

49 CFR 172.200(a) requires, in part, that each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner required by Subpart C of Part 172.

Contrary to the above, shipping papers had not been provided for Troxler Gauges Model 3411B, Serial Nos. 10643 and 8772 containing Type A quantities of radioactive material transported on public highways in the state of Wyoming during the period February 21, 1985, to October 27, 1989.

This is a Severity Level IV violation. (Supplement V)

3. 10 CFR 20.401(a) requires that each licensee maintain records showing radiation exposures on Form NRC-5, in accordance with the instructions contained on that form, or keep clear and legible records containing all the information required by Form NRC-5.

8911290332 JPP

Contrary to the above, as of October 27, 1989, exposure records containing the required information were not maintained. Specifically, the licensee had not maintained personnel dosimetry records for 1985, 1986, January through May and August 1987, June through August 1988, and January through June 1989.

This is a Severity Level V violation. (Supplement IV)

4. License Condition 15 requires the licensee to conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license. Records of inventories shall be maintained for 2 years from the date of each inventory.

Contrary to the above, the licensee did not maintain the physical inventory records for the period 2 years prior to October 27, 1989.

This is a Severity Level V violation. (Supplement VI)

Pursuant to the provisions of 10 CFR 2.201, Department of the Interior, Bureau of Land Management, Cheyenne, Wyoming, is hereby required to submit to this office, within 30 days of the date of the letter transmitting this Notice, a written statement or explanation in reply, including for each violation: (1) the reason for the violation if admitted, (2) the corrective steps which have been taken and the results achieved, (3) the corrective steps which will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending the response time.

Dated at Arlington, Texas,  
this 17th day of November 1989