

MUNICIPALITY OF ANCHORAGE



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Mayor Ethan Berkowitz

January 15, 2020

Michael C. Hay
Director
Division of Nuclear Materials Safety, Region IV
1600 East Lamar Boulevard
Arlington, Texas 76011

**Subject: Response to Apparent Violations in
NRC Inspection Report 030-20410/2019-001; EA-19-127**

Dear Mr. Hay:

The Municipality is in receipt of your letter dated December 18, 2019 and received in our offices on December 30, 2019. Please consider this letter as our written response to that letter regarding our apparent violations of the U.S. Nuclear Regulatory Commission's (NRC's) rules and regulations and the conditions of our license.

Our records indicate that our license number is 50-15852-02.

Before I get to the formal response and the actions that we have taken to prevent future occurrences, I would like to provide you with additional background that is not intended as an excuse, but perhaps an explanation as to the disconnect that occurred after the departure of the individual described in your letter as Radiation Safety Officer (RSO) 1. RSO 1 started on the day that the Municipality of Anchorage was formed in 1975. He was primarily responsible for the development of the geotechnical lab at the Municipality and solely responsible for the day to day operations of the lab for as long as anyone here can remember. He had no intention of retiring and expected to be here for many more years. His unexpected departure due to medical reasons in April 2017 took everyone by surprise, including RSO 1. Everyone expected him to return to work shortly after his surgery. When complications arose, he continued to try to come back to work, but finally in September 2017 was told that he would not be able to return to work. Because he had taken care of the license and the RSO responsibilities for his entire career, we were not as familiar as we should have been with the procedures. Due to the abruptness of his departure, there was no formal transition or opportunity for him to help guide us through the process of performing the RSO functions or updating the license. We have taken steps to ensure that this situation can never again occur, but we acknowledge that implementation of those policies is a result of the education that we received in response to the inspection and correspondence with NRC staff.

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Apparent Violation 1: License Condition 12 – 030-20410/2019-001-01*Apparent Violation Response:*

The timeline presented in the Report Details is accurate. An application to amend the license naming the new, permanent RSO was submitted on October 18, 2019 and the subsequent requested Delegation of Authority submitted on January 7, 2020.

As explained in communications dated September 13, 2019, day-to-day RSO responsibilities were performed by Gauge User 1 following the retirement of RSO 1. RSO 3 assumed RSO duties upon being hired but relied upon Gauge User 1 for guidance as to specific policies and procedures until RSO 3 could become familiar with the duties and responsibilities of the position and complete needed training. Applying for an amendment to the license requesting a change from RSO 1 to RSO 3 was identified as a high priority item; however, becoming familiar with other time-critical job responsibilities delayed the training. We now understand that we should have made the NRC aware of the change in personnel and communicated our intent to amend the license before actually submitting the amendment.

Resolution:

In addition to updating the license, we are in the process of creating an internal written policy that identifies all the responsibilities of the RSO in a clear and concise format. Included in that documentation will be an RSO calendar of events. The RSO, the RSO's direct supervisor, and the Department Director will have reminders for each of the deadlines on the RSO calendar of events. The internal policy will be updated annually as part of the annual audit. This policy will eliminate the confusion as to responsibilities during the next transition.

Additionally, we are developing a procedure to be implemented by my position as the manager of the RSO so that when the current RSO departs, we know what steps need to be taken in the interim while we find a replacement, including notification of the NRC of pending staff changes.

Apparent Violation 2: Physical Inventories – 030-20410/2019-001-02*Apparent Violation Response:*

As suggested in previous communications, gauge inventory is informally verified every time the storage locker is accessed to remove or return one of the gauges. We acknowledge that a written record verifying the gauge inventory at intervals not exceeding six months was not maintained during the transition period.

Resolution:

RSO 3 will perform a physical inventory every six months, currently scheduled for July 1st and December 1st. The schedule is based on performing the inventory shortly before the annual leak tests, which are currently performed at the end of December. These inventories are identified in the internal policy for future RSOs and included on the RSO calendar.

Apparent Violation 3: 49 CFR 172.202(a)(1) --030-20410/2019-001-03*Apparent Violation Response:*

We acknowledge that the shipping papers accompanying the gauges were obsolete.

Resolution:

The shipping papers accompanying each gauge during daily use and for shipping to and from the manufacturer have been updated to reflect the correct UN Identification Number.

Apparent Violation 4: License Condition 21.B – 030-20410/2019-001-04*Apparent Violation Response:*

The Operating, Emergency and Security Procedures in use at the time of the application dated September 2, 2011 and the inspection on November 4, 2014 followed procedures developed by the State of Alaska before the year 2000. I cannot explain why RSO 1 did not replace these procedures with those of Appendix H of NUREG-1556, Volume 1, Revision 1 as was required.

Resolution:

RSO 3 has reviewed the Revision 1 procedures and the newer ones in Appendix G of NUREG-1556, Volume 1, Revision 2. He believes the statements, representations, and procedures in Revision 2 are more descriptive and comprehensive without materially altering the minimum requirements. As part of the October 18, 2019 application to amend the license, the Operating, Emergency and Security Procedures were updated to incorporate the model procedures in Appendix G of NUREG-1556, Volume 1, Revision 2 language, modified to reflect specifics of the licensee's storage facility, modes of transportation, security protocols and usage. A copy of the updated procedure was provided to the current gauge user and will be provided to all future gauge users.

Apparent Violation 5: 10 CFR 20.1101(c) – 030-20410/2019-001-05*Apparent Violation Response:*

The primary components of periodic audits were completed as part of RSO 3's familiarization with the program, but the process was informal and the findings of those reviews were not memorialized.

Resolution:

An audit was conducted prior to the end of 2019. We are anticipating that the next audit would be conducted in May 2020, prior to the start of construction season, and annually thereafter.

Formal annual audits per the NRC requirements will be scheduled, performed by the RSO, and documented. The audits will be included in the internal policy and placed on the RSO calendar.

In addition to the NRC required audits, the Municipality is formalizing a procedure by which the manager over the RSO and the Department Director are provided a copy of the audit and a summary of findings. The intent behind inclusion of this additional step is to ensure that the audits are completed on time and that if any deficiencies are identified, the RSO has the support to make the necessary changes.

Thank you for the opportunity to respond to the preliminary findings of the inspection. While we acknowledge that our transition from RSO 1 to RSO 3 was not smooth and was lacking in documentation, the staff that was actually using the gauges was following protocol to the best of their ability. We have learned a lot through the course of this investigation and

sincerely appreciate the assistance provided by the NRC staff in answering our questions and providing us with additional information. We believe that the additional documentation developed as part of this process and formalization of our written procedures will ensure that we maintain our compliance through our next RSO transition.

In summary, the actions that the Municipality has taken in response to the inspection on August 28-29, 2019 include:

- Provided additional documentation between the Inspection and the conclusion of the in-office review on November 14, 2019;
- Submitted an Amendment to our License (October 2019);
- Submitted Delegation of Authority (January 2020);
- Completed inventory and audit (December 2019);
- Updated UN Identification Number (October 2019);
- Operating, Emergency and Security Procedures were updated and distributed to gauge users (October 2019);
- Internal policies and procedures were developed (January 2020); and
- An RSO calendar including critical dates was developed (January 2020).

We are committed to obtaining and maintaining compliance with our license. While we are unable to go back and change the past, we believe that once the amendment to our license is processed, we will be once again fully compliant with the regulations. Additionally, we have put policies and processes in place to ensure that we maintain that compliance in the future, including additional internal steps for verification.

Please don't hesitate to contact me if you have additional questions or concerns. We look forward to the finalization of your findings.

Sincerely,


Glenda JC Radvansky, P.E.
Engineering Manager

cc: Kent Kohlhase, P.E., Director
Tim Huntting, P.E., Geotechnical Lab Manager
Russ Oswald, P.E., Project Manager
Jason VonEhr, Health Physicist

(via email)