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November 29, 1990

U.S. Nuclear Regulatory Commission  
611 Ryan Plaza Drive  
Suite 1000  
Arlington, Texas 76011

Re: Penalty against High Mountain  
Inspection Services, Inc.  
Docket No. 30-29019  
License No. 49-26808-01

Dear Mr. Lieberman:

On behalf of High Mountain Inspection Services, Inc., please accept this letter as notice that High Mountain Inspection Services, Inc. elects not to file an appeal in this matter, and without acknowledging liability, agrees to pay the penalty that has been assessed by NRC.

High Mountain Inspection Services, Inc.'s owner, Bill Fraser, has asked me, in addition to entering this formal response to the penalty, to set forth some general criticisms regarding this matter. They generally fall into two categories.

The first is that it appears that High Mountain Inspection Services, Inc. has been singled out and fined for a problem that is common throughout the industry, but one that is not commonly assessed against other companies. It would appear that rather than keeping the infraction in perspective as a common industry infraction, that to the contrary, the violation has been greatly blown out of proportion as relates to High Mountain Inspection Services, Inc. The NRC submitted a press release which was picked up by Associated Press and published in the local newspaper, a copy of which is enclosed with this letter.

According to the notice in the paper, it would appear that High Mountain Inspection Services, Inc. was solely responsible for the infraction and that the incident resulted in actual radiation exposure to someone. In fact, the violation was committed by an

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employee of High Mountain Inspection Services, Inc., despite thorough and adequate training as to proper procedures and on-site supervision and availability of proper equipment.

Furthermore, while the proper steps may not have been taken to verify that the radioactive source had been shielded, in fact, the radioactive source was shielded, and no exposure resulted to anyone as a result of this incident. That information, of course, is not contained in the article, and the only thing that is perceived by the public when they read this article is that somehow High Mountain Inspection Services, Inc. is not following proper NRC procedures and is exposing the public to radioactive sources. This, of course, has caused severe embarrassment to High Mountain Inspection Services, Inc., and has cost them considerable business. While we are aware that those are not the concerns of NRC, when considered in the context of High Mountain Inspection Services, Inc.'s overall record with NRC and the fact that there is clear documentation that High Mountain Inspection Services, Inc. had adequately and thoroughly trained the employee who was at fault in this incident, it is clearly unfair to single out and penalize High Mountain Inspection Services, Inc. with fines and adverse and inaccurate publicity.

The second category of complaint by High Mountain Inspection Services, Inc. is that the company, High Mountain Inspection Services, is the only one penalized as a result of this infraction, and is made to appear as the only responsible party for the infraction. In fact, the employee is the principle party at fault here, and nothing has been done by NRC to address that problem. High Mountain Inspection Services, Inc. will permanently have a black mark on its record, yet the employee who failed to observe proper procedure can easily leave High Mountain Inspection Services, go to another company, and have nothing in his record that reflects this infraction.

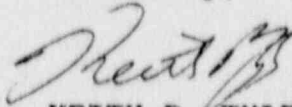
I am enclosing a copy of a notice of regulations proposed by the Texas Radiation Control Agency which I think may more appropriately address this problem and may be a more effective way to handle these violations and correct the industry problem in the future.

High Mountain Inspection Services, Inc. is paying the fine in this case because from a business point of view the economics do not justify continuing an appeal. Furthermore, on the technical

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grounds contained in the regulations, High Mountain Inspection Services, Inc. may be guilty of an infraction. However, again as pointed out above, we think that the matter has not been dealt fairly with as regards High Mountain Inspection Services, Inc., and we would like to register through this letter our complaint in that regard.

Sincerely,



KEITH P. TYLER

KPT/vlk

Enclosures

cc: Hugh L. Thompson, Jr.,  
Deputy Executive Director



were fired.

Col. Everett Ayers, patrol director, said officers began pursuing the vehicle between Rock Springs and Green River and that the chase ended west of Green River with two men in custody.

"We had roadblocks set up, but whether they made it to the roadblocks or not, we don't know," Ayers said from his Cheyenne office.

The two men were reportedly armed with a shotgun and a handgun, he said.

"There were shots fired. Both sides," said the colonel.

According to Schoene, the only injury reported was a graze, but IHC Hospital in Evanston could not confirm if it was the result of gunfire.

"Details are sketchy at the present time because everybody's still at the scene," said Ayers.

## Westerners average \$15 per hour

CHEYENNE (AP) — Private industry wages in the West averaged \$15.73 an hour in March, according to figures released by the U.S. Labor Department's Denver office.

Of the total, \$11.48 constituted direct wages, while benefits accounted for \$4.25, the agency said.

Northeastern states led the nation in hourly wages in March, with an hourly average of \$17.02, while the average in the South was the country's lowest at \$13.22.

The national average for hourly wages in March stood at \$14.97, according to the Labor Department.

## Rawlins naval officer convicted

ROTA, Spain (AP) — A military judge on Friday convicted a U.S. Navy officer of raping a woman officer in her stateroom aboard an ammunition ship.

Naval officials in Spain said they could not recall a previous instance of a Navy officer being tried or convicted for raping a female officer on board ship.

Lt. j.g. Robin E. Brown, of Rawlins, remained expressionless as military judge U.S. Navy Capt. Thomas A. Lawrence announced the verdict.

Lawrence scheduled sentencing for Saturday in the court at the U.S.-Spanish naval station in Rota, in southernmost Spain.

The case stemmed from an incident April 4 on the USS Suribachi while in port in Cartagena, Spain.

In his closing argument Friday, prosecutor Marine Capt. Walter G. Sharp said the evidence showed Brown had entered the woman officer's stateroom, gotten into her bed and began having intercourse with her while she was asleep. When the woman awakened, she pushed Brown away and told him to leave the room.

Under the law, Sharp said, a sleeping woman cannot give consent to sexual intercourse.

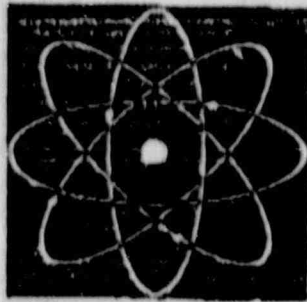
The defense attorney, Marine Capt. J.H. Drescher, suggested the woman had mistaken Brown for another officer aboard the ship for whom she acknowledged romantic feelings. He stressed the woman referred to Brown by the other man's name as soon as she woke up.

## Mills company facing NRC fines

MILLS (AP) — A company in Mills has 30 days to convince the Nuclear Regulatory Commission that it should not be fined for violating NRC rules.

NRC officials in Texas have proposed fining the High Mountain Inspection Service \$2,500 for allegedly violating NRC rules pertaining to radiography.

The NRC contends that after a company employee completed making two radiography exposures he neglected to make sure the sealed radioactive source had been shielded.



# RADIATION REPORT

Texas Radiation Control Agency

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Vol. 13, No. 2 Summer 1990

## Shared Responsibility Shifts Violation Notification

Until recently, the licensee was the only recipient of the "Notice of Violation" that resulted from an inspection of radiographic operations. It was never sent to individual radiographic personnel because the ultimate responsibility for the safe and proper conduct of radiographic operations was exclusively assigned to the licensee.

The responsibility is now being shared between the radiographer and the licensee, due to the required training and testing of radiographic personnel. This shift, or sharing of responsibilities, for the safe conduct of industrial radiography, is evident in the recent increase in the numbers of "Notice of Violation" that have been issued to individual radiographic personnel. Stated simply, the agency is making an effort to issue the "Notice of Violation" to the individual and/or organizational entity (licensee) that

could have prevented the violation(s) from occurring. When applicable, the agency will issue a "Notice of Violation," which includes all of the violations assessed, to the licensee and a separate "Notice of Violation" to radiographic personnel for the violations attributed to them.

The licensee will have to respond to all the violations and note the violations committed by their radiographic personnel so the licensee can include proper attention to corrective/preventative measures during safety meetings, training sessions and internal quarterly audits of radiographic personnel as required by *Texas Regulations for Control of Radiation, Part 31.30(a)*. Radiographic personnel responses to violations attributed to them will become a part of their ID card file maintained by the agency.