

U. S. NUCLEAR REGULATORY COMMISSION

REGION III

Report No. 030-14041/90002(DRSS)

Docket No. 030-14041

License No. 34-18685-01

Category (E)

Priority (IV)

Licensee: Alt & Witzig Engineering, Inc.
3405 West 96th Street
Indianapolis, IN 46268

Meeting Conducted: August 29, 1990

Meeting At: Region III Office, Glen Ellyn, Illinois

Type of Meeting: Enforcement Conference

Inspection Conducted: July 24-26, 1990 and August 8, 1990

Inspector:

Kenneth J. Lambert
Kenneth J. Lambert
Radiation Specialist

9/26/90
Date

Reviewed By:

William H. Schultz
William H. Schultz, Chief
Nuclear Materials Safety
Section 1

9-26-90
Date

Approved By:

John A. Grobe
John A. Grobe, Chief
Nuclear Materials Safety Branch

9-30-90
Date

Meeting Summary

Enforcement Conference on August 29, 1990 (Report No. 030-14041/90002 (DRSS))
Areas Discussed: A review of the apparent violations identified during the July 24-26, 1990 inspection, the corrective actions taken or planned by the licensee, and the changes in the radiation safety program to prevent the violations from recurring. The enforcement options pertaining to the apparent violations were also discussed with the licensee.

DETAILS

1. Persons present at Conference

Alt & Witzig Engineering, Inc.

William Witzig, President
Dan Dilk, Radiation Safety Officer

U. S. Nuclear Regulatory Commission, Region III

C. J. Paperiello, Deputy Regional Administrator
B. S. Mallett, Chief, Nuclear Materials Safety Branch
J. A. Grobe, Director, Enforcement and Investigations
Coordination Staff
E. T. Pawlik, Director, Office of Investigations
G. M. McCann, Chief, Nuclear Materials Safety Section 1
C. G. Jones, Acting Chief, Materials Licensing Section
C. D. Pederson, Chief, Technical Support Staff
K. J. Lambert, Radiation Specialist

2. Enforcement Conference

An Enforcement Conference was held in the NRC Region III office on August 29, 1990. This conference was conducted as a result of the preliminary findings of the inspection conducted July 24-26, 1990, in which numerous apparent violations of NRC regulations and license conditions were identified. Inspection findings are documented in Inspection Report No. 030-14041/90001(DRSS), transmitted to the licensee by letter dated August 23, 1990.

The purpose of this conference was to (1) discuss the apparent violations, causes, and the licensee's corrective actions; (2) determine if there were any escalating or mitigating circumstances; and (3) obtain any information which would help determine the appropriate enforcement action.

The licensee's representatives contested three of the apparent violations: (1) overexposure of an individual; (2) shipping containers with cracks and holes failing to satisfy DOT 7A Type A package specification criteria; and (3) failure to post 10 CFR Parts 19, 20 and their current license. The licensee's representatives stated they were in agreement with the remaining apparent violations. NRC Region III indicated that further consideration would be given to the apparent overexposure violation if the licensee submits a written evaluation to support their contention. Additionally, if the damaged and/or flawed shipping containers are retested and pass applicable DOT specification criteria, the apparent violation will be removed. Finally, upon further review, it has been determined that 10 CFR Parts 19 and 20 were posted; however, a copy of the current license and Form NRC-3 were not posted. Therefore, our position concerning this posting violation remains unchanged.

The licensee's representatives described their immediate corrective actions for the apparent violations, which included leak testing all sealed sources that were not tested within the last six months; conducting a physical inventory to account for all gauges; providing personnel monitoring equipment to all gauge operators; instructing operators in the proper procedures for transporting gauges; and conducting a training program for all operators who have not previously attended a manufacturer's training program. The licensee's representatives further stated that the violations were not intentional, and that program control weakened approximately one year ago when the workload increased and the number of gauges were increased from 5 to 19. The radiation safety officer stated he was aware of some of the requirements, but was unable to fulfill his responsibilities because of an increased workload and time constraints. The RSO stated that on one occasion, an attempt was made to send two employees to a gauge manufacturer's training program; however, due to the workload at the time, the employees were not allowed to attend the training program. The licensee's representatives also described the modifications they have implemented or plan to implement to improve their radiation safety program including: (1) physical inventory record for each gauge; (2) nuclear gauge user inspection report, which is to be completed semi-annually for each user; and (3) a NRC Materials License Bi-Annual Audit form. Copies of the above mentioned procedures are provided as Attachment 1 to this report.

In addition to the apparent violations identified during the inspection, the enforcement conference disclosed other concerns regarding the licensee's ability to adequately administer and control their radiation safety program. As a result of these additional concerns, a Confirmatory Action Letter (CAL) was issued on September 4, 1990 (Attachment 2). The licensee agreed to respond to the CAL and submit a request for license amendment by September 14, 1990.

At the conclusion of the meeting, the licensee was informed that they would be notified in the near future of the final enforcement action.

Attachments: As stated

ATTACHMENT 1

PHYSICAL INVENTORY RECORD

DATE _____

GAUGE
SERIAL NO _____

Physical Location of Gauge _____

Current Operator _____

- | Yes | No | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Serial number gauge matches case serial number |
| <input type="checkbox"/> | <input type="checkbox"/> | Source certificate in case |
| <input type="checkbox"/> | <input type="checkbox"/> | Shipping containers and labels are unimpaired |
| <input type="checkbox"/> | <input type="checkbox"/> | Leak test performed during this inspection
if not, last test _____ |

Inventory Inspector _____

Radiation Safety Officer _____

NUCLEAR GAUGE USER INSPECTION REPORT

DATE _____

EMPLOYEE _____

PASS FAIL

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | If unattended, gauge is secured in a building or truck |
| <input type="checkbox"/> | <input type="checkbox"/> | If being transported, gauge is blocked and braced |
| <input type="checkbox"/> | <input type="checkbox"/> | Shipping papers are present and properly located |
| <input type="checkbox"/> | <input type="checkbox"/> | User has attended an approved safety training course |
| <input type="checkbox"/> | <input type="checkbox"/> | Wears monitoring badge properly |
| <input type="checkbox"/> | <input type="checkbox"/> | Operators gauge properly |

COMMENTS: _____

Inspector _____

Radiation Safety Officer _____

NRC MATERIALS LICENSE

BI-ANNUAL AUDIT

DATE _____

CONDUCTED BY _____

TITLE _____

ATTENDED BY _____

DOCUMENTS REVIEWED	YES	NO
Physical inventory records	<input type="checkbox"/>	<input type="checkbox"/>
Leak test records	<input type="checkbox"/>	<input type="checkbox"/>
Dosimeter reports	<input type="checkbox"/>	<input type="checkbox"/>
Authorized user records	<input type="checkbox"/>	<input type="checkbox"/>

After a review and evaluation of our nuclear gauge program, the program appears to be functioning as directed by NRC Regulations and our NRC Materials License.

William E. Witzig

After a review and evaluation of our nuclear gauge program, the following items appear to be in violation of NRC Regulations and/or Materials License.

Another audit to verify corrections will be conducted _____
(date)

William E. Witzig

SEP 04 1990

Alt & Witzig Engineering, Inc.
ATTN: Mr. William Witzig
President
3405 West 96th Street
Indianapolis, IN 46286

License No.: 13-18685-01
Docket No.: 030-14041

Gentlemen:

This refers to a telephone conversation on September 4, 1990, between you and Dr. Bruce S. Mallett of my staff regarding the August 29, 1990 enforcement conference. The purpose of this conference was to discuss the apparent violations identified during the July 24-26, 1990 inspection, your immediate corrective actions, and the changes in your radiation safety program to prevent the violations from recurring.

Based upon our discussions during the enforcement conference and this telephone conversation, it is our understanding that by September 14, 1990, you will:

1. Submit a description of your basis for having confidence that the responsibilities of the Radiation Safety Officer are and will be properly carried out and for ensuring that all licensed activities are conducted in accordance with NRC requirements, including your license conditions.
2. Submit an amendment to your NRC license to include:
 - a. The procedures presented at the enforcement conference.
 - b. A procedure to check license possession limits against gauges to be ordered to ensure the possession limits are not exceeded.
 - c. A procedure to ensure that unqualified individuals are not operating moisture/density gauges.

Issuance of this Confirmatory Action Letter does not preclude the issuance of an Order requiring implementation of the above commitments. If your understanding differs from that set forth above, please call Mr. G. M. McCann (708/790-5741) immediately.

Sincerely,
A. Bert Davis
Regional Administrator

cc: DCD/DCB (RIDS)

bcc: J. Taylor, EDO
H. Thompson, DECS
R. Bernero, NMSS
J. Lieberman, OE

yes RIII Lambert/jl McCann 9/4/90	yes RIII Mallett 9/4/90	yes RIII Norelius 9/4/90	RIII BB Berson 9/4/90	RIII Globe 9/4	no legal objection OGC BB for J. Goldberg per final comments 9/4/90	RIII CJP Paperiello 9/4/90	yes RIII Davis 9/4
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CONFIRMATORY ACTION LETTER 9/4/90

900912-0281-1p.