

Des



# CONSTRUCTION TESTING & ENGINEERING, INC.

ESCONDIDO • MODESTO

ENGINEERING, INC.

April 4, 1994

Director, Office of Enforcement  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Attention: Document Control Desk

Subject: Reply to Notice of Violation  
Docket No. 15000004  
License No. California 5309-80  
EA 93-292

Gentlemen:

As required within the Notice of Violation and Proposed Imposition of Civil Penalty, Construction Testing & Engineering, Inc. (CTE) has prepared the following as a reply:

During the time frame indicated, a CTE representative did indeed utilize byproduct materials as directed by the firm in an area under federal jurisdiction (Edwards AFB) prior to requesting reciprocal approval from the U.S. Nuclear Regulatory Commission.

Construction Testing & Engineering, Inc. has every reason to believe that this violation could have been avoided if the proper briefing and review of our present licensing had taken place after the previous RSO left our staff. CTE did make an effort to educate our present RSO, Mr. Ken Blesch, by enrolling him in a Radiation Safety Officer class put on by Troxler Electronics. Upon Mr. Blesch's receiving the certificate of completion on Radiation Safety, we felt the knowledge gained from this class would be sufficient to maintain our current licensing with the State of California. Unfortunately we were incorrect. The firm's lack of knowledge regarding special requirements for operations in federal jurisdiction became apparent.

9404130155 940404  
PDR STPRG ESGCA  
PDR

GEOTECHNICAL & CONSTRUCTION ENGINEERING TESTING & INSPECTION

2414 VINEYARD AVENUE SUITE G ESCONDIDO, CA 92029 (619) 746-4955 FAX (619) 746-9806  
3540 OAKDALE ROAD MODESTO, CA 95355 (209) 551-2271 FAX (209) 551-3593

LEIA  
1/0

Director, Office of Enforcement  
U.S. Nuclear Regulatory Commission  
April 4, 1994  
Page Two

However, once the violation for possession and use of byproduct materials in areas under federal jurisdiction without an NRC specific license or an NRC general license was brought to our attention, we promptly ceased operations. Immediately thereafter, we obtained authorization from the NRC to conduct work in areas under federal jurisdiction via NRC Form 241.

CTE has taken corrective steps to avoid further violations with, not only the NRC but any other governing agencies involved with the use of byproduct material. CTE renewed its NRC Form 241 letter of Reciprocity and will continue to renew this form along with our State of California licensing on an annual basis. During a recent submission of the Form 241 for use of byproducts at Nellis AFB, CTE learned that we would also need a Letter of Reciprocity from the State of Nevada. CTE promptly contacted the State of Nevada Radiological Health Department and obtained authorization for work. Being aware of the different stipulations set forth for the privilege to utilize byproduct materials and the extreme importance for employee and public safety will be the basis to avoid any other violations.

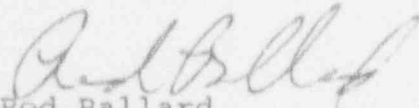
Upon your acceptance of our reply to the violation, we feel that full compliance will be achieved.

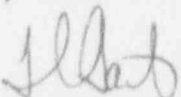
Along with this reply, you will find a check made payable to the Treasurer of the United States in the amount of \$500.00 for the civil penalty imposed.

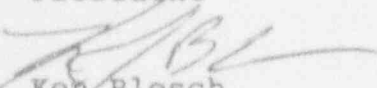
CTE apologizes for any inconvenience, should any questions arise from the submitted please do not hesitate to contact this office.

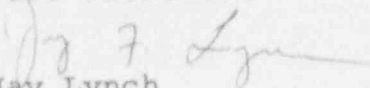
Respectfully submitted,

CONSTRUCTION TESTING & ENGINEERING, INC.

  
Rod Ballard  
President

  
Tom Gaeto  
Vice President

  
Ken Blesch  
RSO

  
Jay Lynch  
Alternate RSO

cc: U.S. Nuclear Regulatory Commission  
Region IV, Regional Administrator  
File/Copy/USNRC.APR