

**B U R G E S S
& N I P L E**

E N G I N E E R S
A R C H I T E C T S

Camerson

U. S. Nuclear Regulatory Commission
Region III
801 Warrenville Road
Lisle, IL 60532-4351

Re: Reply to Notice of Violation
License No. 34-20259-01
Docket No. 030-18126

Attention: Mr. B. J. Holt

March 8, 1994

Dear Mr. Holt:

Burgess & Niple, Limited
5085 Reed Road
Columbus, OH 43220
614 459-2050
Fax 614 451-1385

We have received your February 22, 1994 letter and Notice of Violation regarding improper transportation of our nuclear density meter (NDM). As indicated on the Notice of Violation, the specific violation was that the shipping papers were not within the immediate reach of the driver of the vehicle.

This violation occurred as a result of an oversight on the part of the driver. The situation has been discussed both with the driver of the vehicle and with his supervisor. We have enclosed a copy of an Interoffice Memorandum dated September 17, 1992 and have highlighted the area indicating procedures for individuals transporting the NDM. The procedure outlined was not followed.

We are also enclosing a copy of the January 28, 1994 memorandum which was prepared and distributed to potential supervisors of individuals who will be using the NDM. This January 28, 1994 memorandum gives specific directions regarding the transportation of the NDM by individuals employed by Burgess & Niple, Limited. As indicated in the first paragraph of the memorandum, I will verify that the supervisors and individuals transporting the NDM to and from job sites understand the regulations and follow the procedures outlined. In addition, I will be receiving a copy of the Bill of Lading each time the unit is transported. The unit is currently properly stored at our offices on 5085 Reed Road, Columbus, Ohio, and has been at this location since January 14, 1994. We feel that the implementation of the procedures outlined in the January 28, 1994 memorandum will place B&N into full compliance with regulations regarding the transportation of the NDM, and feel that the date of the memorandum, January 28, 1994, is the date at which full compliance was achieved.

We feel that the above and the attached information comply with the requirements set forth in your February 22, 1994 letter and the Notice of Violation.

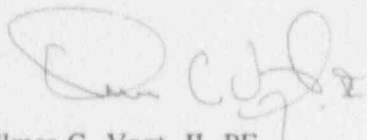
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March 8, 1994
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Should you require any additional information, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Elmer C. Vogt, II', with a stylized flourish at the end.

Elmer C. Vogt, II, PE
Radiation Safety Officer

ECV:mj
Enclosures
copy: File

**B U R G E S S
& N I P L E**

E N G I N E E R S
A R C H I T E C T S

To: See Distribution

Date: September 17, 1992

From: Mark Vogt *WV*

Job Number: 1

Subject: Nuclear Density Meter Procedures

Sect. No. / Act.: 141

Memorandum

Burgess & Niple, Limited

5085 Reed Road
Columbus, OH 43220
614 459-2050
614 451-1385 Fax

The purpose of this memorandum is to inform all potential users of the Burgess & Niple, Limited (B&N) nuclear density meter of the proper procedures for the procurement and use of the gauge. B&N is licensed by the United States Nuclear Regulatory Commission (NRC) to own and use the nuclear density meter which we have. This license from the NRC requires that the nuclear density meter be used only in the direct physical presence of those individuals who have passed a certified training course for the use of this meter. In addition, the license establishes Elmer ("Mark") Vogt, II as the Radiation Safety Officer (RSO), and as such, makes me responsible for the proper use and use in accordance with the license regulations.

In order to maintain an accurate record and log of the location of the nuclear density meter, it is necessary that Mark Vogt be contacted and the nuclear density meter logged out directly by him or, in his absence, by Mark Rogge. It is suggested that in the event you anticipate the need for the nuclear density meter, check its availability with Mark Vogt, and make arrangements for obtaining the unit. The logging out procedure will be fairly simple. It is necessary to know the job name upon which the meter will be used, the location of that project, the supervisor who is in charge of the project, the individual who will be utilizing the gauge, the date the unit is checked out, and the date it is returned to the office.

At the time the nuclear density meter is checked out it should be verified that a current copy of the NRC license is with the gauge along with a copy of the Troxler bill of materials and the operation manual for the meter. Also included should be the daily standard count log which should be kept current by the user and the standard count readings compared to verify that the unit is in proper calibration. Other equipment with the nuclear density meter should include the standard count block, the scraper plate, a drill rod, a small sledge hammer, and a pipe wrench for rod extraction.

During transportation the nuclear density meter is to be secured in a nonpassenger compartment of the vehicle. Secured means that it is to be locked in the trunk if a passenger vehicle is being used, if a station wagon is used it is to be in the back, preferably in the trunk well, or in a back of a pickup truck with a locked cap on it. The driver is to have, in the driver's area, a copy of a bill of lading for the unit, a copy of

the license, and a copy of emergency telephone numbers. It is up to the user to update the bill of lading and verify that all required information is in an envelope and given to the vehicle driver.

When the unit is placed at the job site, if it is being stored at a trailer, it is to be locked in a separate compartment of the trailer out of view of the public. In addition, the warning poster should be posted within the trailer.

When the nuclear density meter is checked out, a film badge should be obtained for the operator. There are film badges specifically for four individuals — Mark Vogt, Mark Rogge, Vic Elekes, and Alan Blair, and three general badges which are designated as "Visitor" badges. These "Visitor" badges are to be temporarily assigned to anyone other than the previously four named individuals. Film badges must be changed as close as possible the 5th of every month (within 2 to 3 days, maximum). It is the project supervisor's responsibility to get the new film badge to the meter user and the old film badge back to the Secretary of the Construction Services Group in order that it be sent to the laboratory for reading. This must be accomplished as close as possible to the 5th of each month. When a film badge is checked out it is necessary to record the individual's name, social security number, and birth date on the film badge log for each "Visitor" badge. It is also necessary to denote the date that the film badge was picked up, the date that it is finally turned back in once the project is completed and the meter is returned. No more than one individual is permitted to utilize a particular film badge during any 1-month period. For instance, if "Visitor" film badge 00006 is used by individual "A" for 10 days during a period, no one other individual can be assigned that film badge during that month period until the 5th of the following month. All individuals operating the motor must be given separate film badges.

Due to government regulations (specifically those of the NRC) it is extremely important that all of the aforementioned procedures be followed in order to avoid potential assessment penalties against B&N. Your cooperation in this matter is expected.

ECV:mj

Distribution:

Vince Amato ✓
David Baltzer
Tim Clapper
Vic Elekes
John Goodman

Mark Rogge
John Souders
Ken Timko
Randy Tirpak
Ernie Walker

**B U R G E S S
& N I P L E
E N G I N E E R S
A R C H I T E C T S**

To: See Distribution Below Date: January 28, 1994
From: Mark Vogt *MV* Job Number: 1
Subject: Nuclear Density Meter Procedures Sect. No. / Act.: 141.0/19

Memorandum

Burgess & Niple, Limited
5085 Reed Road
Columbus, OH 43220
614 459-2050
614 451-1385 Fax

It has come to my attention that proper procedures are not being followed when the Burgess & Niple, Limited (B&N) Nuclear Density Meter is shipped either from the storage site at the main office in Columbus to a job site, or from a job site to other locations such as future job sites or returned to the office in Columbus. It is extremely important that these procedures outlined below be followed each time the unit is shipped. It is the responsibility of the individual supervising the use of the unit to make sure that these procedures are followed and I, as the Radiation Safety Officer, will verify also that these procedures are followed.

During transportation the Nuclear Density Meter is to be in the shipping case and secured in a nonpassenger compartment of the vehicle. Secured means that it is to be locked in the trunk if a passenger vehicle is used. If a station wagon is used, it is to be put in the back, preferably in the trunk well with the well locked. If a pickup truck with a locked cap on it is utilized, it shall be in the bed with the cap locked. It is important that the unit be secure; that is, locked up, and in order to prevent possible theft or to prevent radiation exposure in the event of an accident and damage to the meter. If the case is in the back of a station wagon or pickup, it should be secured to prevent movement during transportation. If the shipping case is visible from outside the vehicle, it is preferable that it be covered to conceal it to prevent theft.

The driver is to have on the seat next to him an envelope which is labeled "Important Shipping Papers" and the following information shall be contained in that envelope:

1. A copy of the Bill of Lading (B/L) for the unit. A sample B/L is attached. The B/L is specific for the destination of the unit and also it is specific in that the vehicle license number must appear on the B/L. Therefore, this B/L is to be generated anew each time the unit is shipped.
2. A copy of the NRC license for the unit.
3. A copy of the Troxler source certificate and Type A package certification.

4. The key for the source rod lock.
5. A list of emergency procedures which includes the telephone number to contact myself if an emergency develops.

It is up to the supervisor for the project to have the B/L prepared and verify that all information is in an envelope, that it is given to the vehicle driver, and that the vehicle driver is instructed to have that shipping envelope on the seat next to him while the unit is being shipped. A copy of each B/L is to be forwarded to me to be kept on file in the office.

Once the unit is at the job site, when it is stored, it is to be locked in a separate equipment storage compartment out of the view of the public. In addition, a warning poster required by the U.S. Nuclear Regulatory Commission shall be posted within the trailer, preferably on the door of the locked storage compartment. Extra copies of this poster are in the envelope in the shipping case. When the unit is being used in the field, it is to be attended at all times by the operator. If it is not being used, it should be turned off, returned to the carrying case and placed within the vehicle. The source rod handle is to be locked in the stored position at all times when the unit is not being used. The key to this lock is not to be stored in the lock. It is to be kept on a separate key ring by the operator and shipped in the shipping envelope along with the shipping papers. When the unit is checked out, the key to the source rod lock must be picked up also along with the film badge for the operator.

It does not appear that operators have been keeping a standard count log while the unit is in their possession and is being used. It is extremely important that this standard count log be kept daily and the standard count readings compared to this log to verify that the unit is in proper calibration. This standard count log is to be kept in an envelope in the case with other unit papers (i.e., the license, emergency procedures, source certificate, calibration papers and operating manual). A blank standard count log is attached.

I am also attaching a September 17, 1992 interoffice memorandum which covered these procedures and other procedures for the use of the nuclear density meter. Please review these memoranda carefully. Due to government regulations (specifically those of the Nuclear Regulatory Commission) it is extremely important that all of the aforementioned procedures and those outlined on the September 17, 1992 memorandum be followed in order to avoid potential assessment of penalties against B&N.

Interoffice Memorandum
January 28, 1994
Page 3

Your cooperation in this matter is expected.

ECV:mcj

Attachments

Distribution:

Vince Amato
David Baltzer
Tim Clapper
Vic Elekes
John Goodman
Mark Rogge
John Souders
Ken Timko
Randy Tirpak
Ernest Walker

copy: File

BILL OF LADING

Shipper: Burgess & Niple, Limited
5085 Reed Road
Columbus, Ohio 43220

RQ, RADIOACTIVE MATERIAL, SPECIAL FORM, NOS, UN2974, CLASS 7, TYPE "A"
PACKAGE, CONTAINING:

Cs-137, 8 mCi
Am-241:Be, 40 mCi

RADIOACTIVE YELLOW II LABEL, TI = 0.5

**** EMERGENCY CONTACT: (919) 839-2676 - Troxler ****
(614) 459-2050 - Burgess & Niple, Limited ****
(614) 888-5266 - Elmer C. Vogt, II ****
(800) 424-8802 - U.S. Department of Transportation ****

THIS IS TO CERTIFY THAT THE ABOVE-NAMED MATERIALS ARE PROPERLY
CLASSIFIED, DESCRIBED, PACKAGED, MARKED AND LABELED, AND ARE IN
PROPER CONDITION FOR TRANSPORTATION ACCORDING TO THE APPLICABLE
REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION.

DESTINATION:

CARRIER:

EMERGENCY PROCEDURES

In the event of possible physical damage to a gauge, the following steps must be taken:

1. The location of the radioactive sources must be determined as quickly as possible. An area of 15 feet in radius from the gauge and sources must be sealed or cordoned off to prevent entry by unauthorized persons.
2. If a vehicle is involved, it must not be moved until the extent of contamination (if any) of the vehicle is determined.
3. Make a visual inspection of the gauge to determine whether any damage to the source housing or shield has been sustained.
4. As soon as possible, after the situation has been stabilized and is under control, notify the Radiation Safety Officer, Mark Vogt at (614) 459-2050. If he is not in the office have him located. In the case or times outside of normal working hours, Mr. Vogt may be contacted at (614) 888-5266. Describe the present existing conditions and follow the instructions of the Radiation Safety Officer. In the event that Mr. Vogt cannot be contacted, contact Troxler at (919) 839-2676.
5. If the damage occurs during transportation, notify the U.S. Department of Transportation at 1-800-424-8802 at the earliest practical moment.