

DEC 13 1990

In Reply Refer To:  
License: 35-27007-01  
Docket: 30-31349/90-01

Atochem, Inc.  
ATTN: Peter M. Yacor, P.E.  
Plant Manager  
P.O. Box 1250  
Pryor, Oklahoma 74362

Gentlemen:

This refers to the routine, announced, initial radiation safety inspection conducted by Mr. Selvan Rajendran of this office on August 21, 1990, of activities authorized by NRC Byproduct Material License No. 35-27007-01, and to the discussion of our findings held by the inspector with members of your staff at the conclusion of the inspection.

The inspection was an examination of activities conducted under the license as they relate to radiation safety and to compliance with the Commission's rules and regulations and the conditions of the license. The inspection consisted of selective examinations of procedures and representative records, interviews of personnel, independent measurements, and observations by the inspector.

During the inspection, the inspector noted that you had not retained the record of radiation surveys conducted during the installation of the Ohmart 4000 series weigh scale gauge and the special form radioactive source certificate. In the absence of any requirement for you to conduct routine surveys of areas adjacent to this gauge, we believe it is important that you request and review records of the surveys conducted by the manufacturer's representative during installation or repair of this device. We emphasize that it is the licensee's responsibility to ensure that such devices are properly shielded so that exposures of employees working in surrounding areas are maintained at a minimum.

Also, there is no requirement to possess the special form radioactive source certificate, unless you are the shipper of the gauge. But you become the shipper when you transfer the gauge; therefore, you would eventually need to obtain the certificate, which can be obtained from the manufacturer. Also, this certificate states the tests that had been conducted on the source to satisfy the requirements of 49 CFR 173.469. We emphasize again that it is the licensee's responsibility to ensure that sources are properly tested to meet the requirements of 49 CFR 173.469. The responsibility of ensuring that the byproduct material license is in compliance with the regulations is the licensee's responsibility. The license is issued to Atochem, Inc., not to Ohmart or any other entity. Therefore, you must make sure that you understand

RIV:NMLS *ga*  
SRajendran:lm  
12/5/90

C:NMLS *WLF*  
WLFisher  
12/11/90

D:DRSS  
DABBeach  
12/11/90

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the requirements for possessing the license, including the commitments made to NRC during the licensing process and the regulations that are relevant to your license.

Also, during this inspection, certain of your activities were found not to be conducted in full compliance with NRC requirements. Consequently, you are required to respond to this matter in writing, in accordance with the provisions of Section 2.201 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Your response should be based on the specifics contained in the Notice of Violation enclosed with this letter.

In accordance with 10 CFR 2.790 of the Commission's regulations, a copy of this letter, the enclosures, and your response to this letter will be placed in the NRC Public Document Room.

The response directed by this letter and the accompanying Notice is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Should you have any questions concerning this letter, we will be pleased to discuss them with you.

Sincerely,

*Original Signed By:*

**A. B. BEACH**

A. Bill Beach, Director  
Division of Radiation Safety  
and Safeguards

Enclosure:  
Appendix - Notice of Violation

cc:  
Oklahoma Radiation Control Program Director

bcc:  
DMB - Original (IE-07)  
RDMartin  
ABBeach  
LAYandell  
MRodriguez, OC/LFDCB (4503)  
\*CLCain  
\*WLFisher  
\*SRajendran  
\*NMSIS  
\*MIS System  
\*RIV Files (2)  
\*RSTS Operator  
\*REHall, URFO

\*W/766