

C & R LABORATORIES
TESTING & INSPECTION SERVICES
THROUGHOUT THE PACIFIC

2246 AUMAKUA STREET
PEARL CITY, HAWAII 96782

(808) 455-4054

December 20, 1990

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

Attn: Document Control Desk

RE: Reply to Notice of Violation
License No. 53-19179-01
Docket No. 030-17088
EA - 89-101

Gentlemen:

As a Reply to a Notice of Violation and the imposed Civil Penalty in the amount of \$1,500.00, we would like to make the following statements/explanation, pursuant to the provisions of 10 CFR 2.201 as required:

The following Items "A-1,-2,-3" and "C", per attached copy of your NOTICE OF VIOLATION & PROPOSED IMPOSITIONS OF CIVIL PENALTY,

REPLY TO A NOTICE OF VIOLATION

1. Admission/Denial:

- a) As General Manager, Owner & Radiation Safety Officer, I Roland L. Watson, have not and did not admit to any form of **Admission or Denial** on any of the above or attached Notice of Violations committed by my Radiographer, Mr. Gary Wood. However, based on the substantial evidence brought to my attention by Mr. Robert Thomas and Mr. A. Johnson during the NRC Enforcement Conference on May 12, 1989, it was evident that Mr. Gary Wood on December 12, 1988, had not (1) Conduct a Radiation Survey of a Radiographic Exposure Device upon removing the device from the Mobile Lab. Van in Pearl City Hawaii, (2) Conduct a Survey of a Dodge Ram Pick Up Truck Owned by Finlay Testing Lab., prior to transporting the Exposure Device in the truck to Honolulu Resource Recovery Venture Job Site, (3) Conduct Radiation Surveys upon return of the Exposure Device to the Mobile Lab. Van which was used at that time as a temporary Storage Facility, (4) had not shown the "Caution, Radioactive Material" sign on all four sides of the Vehicle as required and (5) Created records contrary to the above actual procedures followed.

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53-19179-01 PDR

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w/ check \$1,500
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- b) Due to having no previous knowledge on Mr. Wood's actions on the above, I can not Deny or Admit to any of the above or attached actions, on what Mr. Wood did or did not do! However, as the RSO, General Manager and Owner, we do take the full responsibility for his actions under our NRC License, and except the total cumulative Civil Penalty of \$1,500.00, which you will find attached.

2. Reasons Why? (Denied/Admitted):

- a) As for the reasons why Mr. Wood did not take any surveys on either the Exposure Device or Vehicles, along with not having the required signs on all four sides, he had never admitted doing or not doing any of the above Violations to me at any time, and to my knowledge, had never admitted anything to the NRC. However, my personal conclusion is, regardless of all the training and experience he had, and did indeed know better, he just decided to take short cuts and ended up just filling out forms, so as to show me and the NRC that he was following the correct procedures. To know the correct procedures and intentionally disregard it, is not only frowned upon by the NRC, but is something that I also feel discredits my Company and my NRC License, and any person or persons found guilt doing so, will be terminated immediately.

3. Corrective Steps Taken & Results:

- a) As of that same date (May 12, 1989) that I was informed by the NRC on what Mr. Wood had & had not done, I Tele-Phoned Finaly Testing Lab., where Mr. Wood was Employeed as a Full Time Technician/Supervisor, with both NRC Enforcement Officer still in my Office. I tried to talk to Mr. Wood who was not available, but had informed Mr. Gordan Finaly, that I needed to talk to Mr. Wood on the above Violations, and that he should call me as soon as he returns. Later on that evening when final contact was made with Mr. Wood, he had no comment & said that he did not remember that far back (12/12/88). I wanted him to Justify, Support or Clear the above matter/Violations with the NRC and myself, espically since I am responsible for all actions under my NRC License! However, due to the evidence presented by the NRC, who also witness the above Violations, and Mr. Wood's lack of comment, Mr. Wood was Officially Terminated that same day (see attached copy of letters sent to the NRC & Mr. Wood, on that same Evening).

4. Corrective Steps in Avoiding Further Violations:

- a) Radiation Safety & Our Procedures are in no way any cause for what had happen on any of the above Violations. Mr. Wood has had more than adequate Training and Experience

as a Radiographer, but evidently decided to do things his way and not in accordance with Procedures that he not only knew was right, but was Trained to follow! Although the purpose of the Training Program is to be assured that everyone has the proper knowledge and follows it diligently, if a Radiographer intentionally takes short cuts and do not complete Surveys as required, regardless of how much Supervision is being done, he will intentionally do it when you are not looking or when you are not around! So, as the person responsible for what Mr. Wood had done under my NRC License, I will try to strive further to all and any Radiographer's/Helpers (Part Time or Full), the importance on following all NRC & Company Procedures, **At All Times**. Also, any intentional Violations created by an Employee, will be cause for **immediate Termination**.

5. Date of Compliance Achieved:

- a) Please see attached copies of Termination papers completed on same Evening that Employee (Mr. Gary Wood), was notified and Terminated. Mr. Wood had no comment when asked what had happened, except that he did not remember that far back and was in no way going to talk to the NRC, without his Attorney! For obvious reasons above, immediate action was taken on that same Evening, by Terminating him and having the Formal papers (To: Mr. Wood & NRC) typed out to be mailed out.

6. Comments:

- a) It has always been our intention and always will be, to complete all the necessary procedure and beyond, so as to be assured that safety is always first, along with following the necessary procedure required, during Radiographic work or other-wise, regardless of what type of work we are doing. I can assure the NRC even by our pass record when an incident occurred in August of 1988, how we always try to do what is required, and had notified the NRC immediately, when we notice that the Survey Meter was not working properly, and my Dosimeter had gone off scale! I apologize for what my Part Time Employee (Mr. Wood) had done, and will assure you that any Employee found committing a Violation intentionally, by either the NRC or myself, will be Terminated immediately.
- b) As noted earlier above, the Check for the amount required (\$1,500.00), is enclosed.

Should any further information be needed, please notify me and will do my best to try and rush that information to you!

Sincerely,
C&B LABORATORIOS, INC.
Roland L. Watson
Roland L. Watson
President/General Manager