

Oklahoma City, OK  
Blackwell, Oklahoma  
Ft. Smith, Arkansas  
Woodward, Oklahoma



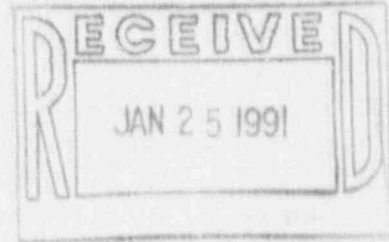
9208 West Reno  
Route No. 3  
AC/405  
Phone: 943-9760

January 17, 1991

License No.: 35-15727-01  
Docket No: 30-09664/90-01

U.S. Nuclear Regulatory Commission  
Region IV  
611 Ryan Plaza Drive, Suite 1000  
Arlington, Texas 76011

Attn: Mr. A. Bill Beach, Director  
Div. of Radiation Safety & Safeguards



Gentlemen:

Star-Jet acknowledges receipt of your letter dated January 10, 1991, wherein you state that pursuant to the NRC's review of our response to your letter and attached Notice of Violation both dated September 24, 1990, violations A.1 and D have been withdrawn. However, information furnished in our response dated October 8, 1990, apparently was not sufficient to withdraw Violations A.2 and A.3. We still contest these violations for the following reasons:

Violation A.2

We believe this violation to be invalid, because the "most recent" version of our Operating & Emergency Procedures Manual is the one submitted with our license renewal application on December 15, 1989 (13 months ago). We have been operating in accordance with this manual because it accommodates the licensing guidelines to satisfy 10 CFR Part 39 which is specific for well logging operations. We know it is our responsibility to incorporate regulation changes into our operations when they are adopted by the agency, and it would be terribly confusing to try to operate under the old O&E manual submitted 1/31/84 (referenced by the inspector, which called for monthly checks on radiation handlers) while trying to follow the new regulations. It is much simpler and promotes better compliance to adopt the new manual into our operations. This new manual follows NRC guides for management responsibility and does not call for "monthly" checks, as you can see by the enclosed page from that manual. Frankly, if we had been operating under the old manual (which your response implies) there would have been more violations cited because of the difficulty to follow it while trying to follow Part 39. Such hair splitting does not promote good health physics practices in the workplace nor a sense of cooperation with the agency.

The point I am making is that this should not be considered a violation because the fault lies within the NRC's own operational capabilities. This violation would not have been generated by the inspector had the NRC timely issued a renewal license. Frankly, the turnaround time for issuing renewal licenses is unacceptable, with some of them as late as 18 months after the license expiration date. We ask that you give further review to this violation in light of the explanation given herein, and withdraw it also.

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Violation A.3

We do not feel like this should be cited as a violation because we sent the meters to a licensed calibration service company in good faith that they were being calibrated in accordance with NRC regulations. The missing reading on the calibration report was an oversight by us, and assumed to be an oversight by the service company. As a point of order, we have contacted the survey meter calibration company (R/A Services, Inc., Odessa, Texas) and told them that in the future if there is a meter calibration function that cannot be performed by their calibration system, to please notify us, and not to send us an incomplete report. Also, Star-Jet's management will be looking at the reports specifically to ensure that it is complete.

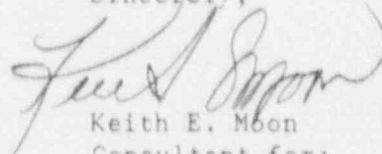
To establish our reasoning for withdrawing this violation, we feel that it is the responsibility of the calibration service company to provide a service that satisfies NRC regulations. It is the responsibility of the Agreement State (in this case Texas) to set the standards for their licensees/registrants to follow, and the responsibility of the NRC to monitor the Agreement States to see that they are compatible with NRC regulations. This burden should not be placed on the licensee, for it is totally outside his realm of expertise. We were informed that in this particular case, the problem was directly attributed to the check source being used in the calibration procedure. If this calibration service company is no longer acceptable to the NRC, please advise as soon as possible, and we will change to another company, but do not hold us accountable for their performance of this service.

In conclusion, after a lengthy telephone conversation within the NRC compliance and enforcement group yesterday pertaining to these two alleged violations, it is quite obvious that an attitude of resolve and flexibility does not exist. If this is the prevailing attitude for the future, then I feel there is no way to avoid confrontations. Apparently some of my comments were taken personally, and if this be the case, I apologize. I represent my clients to the best of my ability, and from my point of observation, the NRC is representing itself as a giant, jamming a set of guidelines down the throat of small, and in many cases defenseless, companies. That giant is pulling a little wagon and is just so happens that Region IV personnel are riding in that wagon. From my vantage point that makes your opinions and actions fair game for analysis, and challenge. I don't see my methodology changing. I will admit that I am frustrated because an attitude of resolve did exist within your organization several years ago, serving the licensees as well as the public.

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January 17, 1991

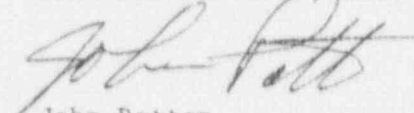
I feel strongly that if the NRC does not change, many small licensees will be eliminated and a critical technology will simply die away. I am sure that you will believe this to be an exaggeration, but believe me it is not. If this response is not adequate, please set up a meeting with the Area Director whereas we can plead our case in hopes of resolving the obvious impasse that exists.

Sincerely,



Keith E. Moon  
Consultant for:

STAR-JET SERVICES, INC.



John Patton  
President

KEM:pm

## I. MANAGEMENT RESPONSIBILITY

A. The Radiation Safety Officer (RSO) is responsible for the over-all coordination of the radiation safety program, serves as the licensee's liaison officer with the NRC on license or inspection matters, and acts in an advisory capacity to the licensee's management and logging personnel. Typical duties of the RSO include:

1. Develop and maintain up-to-date operating and emergency procedures.
2. Control procurement and disposal of licensed material, maintain associated records, and ensure that licensed materials that are possessed or used are limited to those specified in the license.
3. Ensure that the terms and conditions of the license are met and that required records, such as personnel exposure records, leak test records, etc., are periodically reviewed for compliance with NRC regulations and license conditions.
4. Conduct radiation safety inspections of licensed activities periodically to ensure compliance with the regulations and license conditions.
5. Establish and maintain storage facilities and ensure that licensed material is properly secured against unauthorized removal at all times.
6. Ensure that the licensed materials are used only by those individuals who have satisfactorily completed appropriate training programs or who are authorized by the license.
7. Examine and determine the competence of logging personnel, and establish and maintain the annual internal inspection program.
8. Establish and conduct in-house training of prospective logging supervisors and logging assistants.
9. Establish and maintain a personnel monitoring program and ensure that all users wear personnel monitoring equipment, such as film badges or thermoluminescent dosimeters (TLD).
10. Establish and maintain the leak test program and supervise leak testing of sealed sources.
11. Procure and maintain radiation survey instruments and establish and maintain a survey instrument calibration program.
12. Conduct semiannual inventories and maintain utilization logs.
13. Review and ensure maintenance of records kept by others.
14. Establish and maintain proper transportation labels, placards, forms and records.
15. Establish a procedure for evaluating and reporting equipment defects and noncompliance pursuant to 10 CFR Part 21.
16. Serve as a point of contact and give assistance in case of emergency, for example, well logging tool damage, theft of licensed materials, fire, etc., and ensure that proper authorities, for example, NRC, local police, and State personnel are notified promptly in case of accident or other incident that may involve the release of licensed material.
17. Investigate the cause of incidents and determine necessary preventative action.