

MAY 31 1994

Wayne County Department
of Public Services
ATTN: G.E. Siemert, P.E.
Director and County
Highway Engineer
415 Clifford
Detroit, MI 48226

License No. 21-13687-01
Docket No. 030-04931
EA No. 93-220

Dear Mr. Siemert:

This refers to the special safety inspection conducted by Mr. Michael F. Weber of this office on August 17, 1993, of activities authorized by NRC Byproduct Material License No. 21-13687-01. The inspection included a review of an incident which occurred on August 16, 1993, in which a nuclear gauge containing licensed material was damaged.

During the inspection, a gauge user indicated that he had used a nuclear gauge without supervision for approximately 30-40 days prior to completing the required manufacturer's radiation safety training class. However, he stated that he had received, from one of your experienced gauge users, instruction concerning operating and emergency procedures, coupled with three days of on-the-job training, which appears to have been equivalent to the manufacturer's training. These facts were later corroborated by your assistant Radiation Safety Officer.

The NRC license issued to your department requires that gauge users satisfactorily complete the manufacturer's training program before being allowed to use a gauge without supervision. The activity described above, therefore, is a violation of NRC requirements, as described in the enclosed Notice. A written response is required.

The NRC recognizes that the individual referred to above was qualified to use a gauge without supervision. Nonetheless, the violation demonstrates the importance of strict adherence to the conditions of your NRC license. Therefore, although the violation has been classified at a Severity Level IV in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, any similar violation in the future may result in additional enforcement action, including issuance of a civil penalty.

Moreover, please note that in the future, if you are unable to meet any license condition due to special circumstances, you should call the NRC and discuss the situation and perhaps request a license amendment.

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

The response directed by this letter 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.

We will gladly discuss any questions you have concerning this matter.

Sincerely,

Original Signed by John R. Madera for

Roy J. Caniano, Chief
Nuclear Materials Safety Branch

cc: D. Funk

bcc: PUBLIC

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Weber/jaw
5/25/94

RII
Jones
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yes
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DeFayette
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