

U.S. Department of Labor

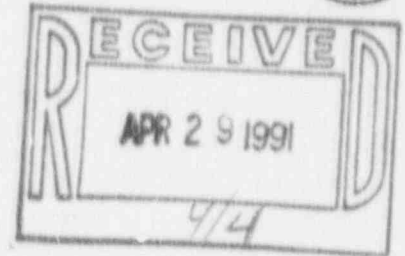
OSHA SLC Analytical Laboratory
1781 South 3rd West
P.O. Box 65200
Salt Lake City, UTAH 84165-0200



Reply to a Notice of Violation

Docket: 030-12126/91-01
License: 43-17059-01

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



Dear Sir:

This letter is in response to the Notice of Violation received in our office on April 8, 1991. We agree with your finding that we are in violation due to a failure to perform leak tests and inventory which should have been done in October of 1990. We disagree with the notice of violation statement that we had not performed leak tests or inventories since July, 1989. There were leak tests and an inventory done in March, 1990. We have the test results should they be needed.

Violation A:

Leak tests and inventories were not done in October 1990 per our license schedule due to an administrative oversight. We have performed leak tests since the inspection, the results have been received and all showed normal levels. The steps which have been taken to prevent this oversight from happening again are; (1) the safety committee has been instructed to remind the parties responsible for actually doing the tests, and (2) a computer program is being written to automatically remind those responsible when they log into their accounts.

Violation B:

Inventories were not done in October 1990 per our license schedule due to an administrative oversight. The inventory has been performed since the inspection, at which time all the sources were located and identified. The steps which have been taken to prevent this oversight from happening again are; (1) the safety committee has been instructed to remind the parties responsible for actually doing the inventory, and (2) a computer program is being written to automatically remind those responsible when they log into their accounts.

We hope that these statements and proposals meet with your approval, and show our concern to comply with all the elements of our license.

Sincerely,

Floyd A. Madsen
Director, OSHA Technical Center

cc: T. Shepich

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
611 RYAN PLAZA DRIVE, SUITE 1000
ARLINGTON, TEXAS 76011

APR - 4 1991

In Reply Refer To:
License: 43-17059-01
Docket: 030-12126/91-01

U.S. Department of Labor
Occupational Safety and Health
ATTN: Floyd A. Madsen
P.O. Box 15200
1781 South 300 West
Salt Lake City, Utah 84115-0200

Gentlemen:

This refers to the routine, unannounced radiation safety inspection conducted by Messrs. R. A. Brown and M. R. Shaffer of this office on March 20, 1991, of the activities authorized by NRC Byproduct Material License No. 43-17059-01, 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 the 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. The inspector noted your use of licensed material consisted of 13 sealed sources for gas chromatography and three calibration check sources.

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 enclosure, 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.

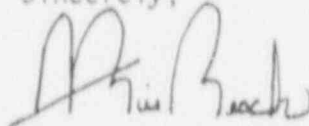
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U.S. Department of Labor

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

Sincerely,

A handwritten signature in dark ink, appearing to read "A. Bill Beach". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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

Enclosure:
Appendix - Notice of Violation

cc:
Utah Radiation Control Program Director

APPENDIX

NOTICE OF VIOLATION

U.S. Department of Labor
Salt Lake City, Utah

Docket No. 030-12126/91-01
License No. 43-17059-01

During an NRC inspection conducted on March 20, 1991, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1990), the violations are listed below:

- A. License Condition 15 requires that plated sources and foils shall be tested for leakage and/or contamination at intervals not to exceed 6 months.

Contrary to the above, plated sources and foils used in gas chromatographs had not been tested for leakage and/or contamination between July 1989 and March 20, 1991; an interval exceeding 6 months.

This is a Severity Level IV violation (Supplement VI).

- B. License Condition 16 requires the licensee to conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.

Contrary to the above, the licensee did not conduct a physical inventory between July 1989 and March 20, 1991.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, U.S. Department of Labor is hereby required to submit a written statement or explanation to the Regional Administrator, Region IV, with a copy to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Arlington, Texas
this 4th day of April 1991

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