

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Goodwell, Inc.  
P. O. Box 195  
Upton, Wyoming 82730

Docket No. 30-06812  
License No. 49-12994-01  
EA No. 87-94

During an NRC inspection conducted on April 24, 1987, 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 (1987), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

- A. 10 CFR 20.105(b) requires that radiation levels in unrestricted areas be limited such that an individual continuously present in the area would not be exposed to doses in excess of 2 millirems (mR) in any one hour or 100 mR in any 7 consecutive days.

Contrary to the above, from March 5 to April 24, 1987, radiation levels outside of a truck parked in an unrestricted area in which a licensed source was stored were found to be 35 mR/h on contact and 8 mR/h at 18 inches.

- B. 10 CFR 20.201(b) requires that each licensee make radiation surveys as (1) may be necessary to comply with the regulations of 10 CFR Part 20 and (2) are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above, inadequate radiation surveys were performed by the licensee in March and April of 1987. Surveys of vehicles in which the licensee stored sources failed to recognize elevated radiation readings in excess of those allowed by 10 CFR 20.105(b).

- C. Section II.B.3 of license condition 18 requires job site radiation surveys before and after each operation in which radioactive material is used.

Contrary to the above, on April 23, 1987, surveys had not been performed at the well, City of Wall No. 5, in Section 6, Township One South, Range 16 East, South Dakota before and after operations in which radioactive material was used.

- D. 10 CFR 20.401(a) requires that each licensee maintain records showing radiation exposures of all individuals for whom personnel monitoring is required under 10 CFR 20.202. Such records shall be kept on Form NRC-5 in accordance with the instructions contained on that form, or on clear and legible records containing all the information required by Form NRC-5.

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Contrary to the above, at the time of the NRC inspection, the licensee did not have radiation exposure records for October and November 1986 that conformed to the requirements of Form NRC-5, in that individuals' birth dates and social security numbers were not included on the forms.

Collectively the above violations have been categorized in the aggregate as a Severity Level III problem (Supplement IV).

Cumulative civil penalty - \$1,000.

Pursuant to the provisions of 10 CFR 2.201, Goodwell, Inc. (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) 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. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

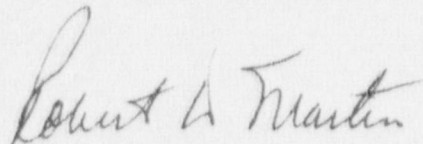
Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, or money order payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or the cumulative amount of the civil penalties if more than one civil penalty is proposed, in whole or in part by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the five factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1987), should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The responses to the Director, Office of Enforcement, noted above (Reply to a Notice of Violation, letter with payment of civil penalty, and answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, reading "Robert D. Martin".

Robert D. Martin  
Regional Administrator

Dated at Arlington, Texas,  
This 6<sup>th</sup> day of August 1987.



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Goodwell, Inc.

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