

April 15, 2024

Nuclear Regulatory Commission
Document Control Desk
Washington, DC 20555-0001

and

Nuclear Regulatory Commission
Region III Office
2443 Warrenville Road, Suite 210
Lisle, IL 60532

RE: Response to Apparent Violations in NRC Inspection Report 03039031/2023-001; EA-24-021

RESPONSE TO APPARENT VIOLATION OF 10 CF 30.34(i). "...to use a minimum of two independent physical controls that form tangible barriers to secure a portable gauge from unauthorized removal whenever the portable gauge is not under your control and constant surveillance as required by 10 CFR 30.34(i).

1) Reason for Apparent Violation

The licensee, ("RSO"), built a new building to use as a permanent storage area. The building is always locked and has an alarm system. The portable gauge, when not in use, was stored in a locked, heavy-duty plastic bin. The RSO believed that the locked building, and the locked bin were consistent with 10 CF 30.34(i) "minimum of two independent physical controls."

2) Corrective Steps and the Results Achieved

On November 29, 2023, upon learning from the Nuclear Regulatory Commission (NRC) inspectors present, that the two independent physical controls were not in compliance, the RSO began to take action to remedy the apparent violation. The corrective actions were completed by 12/6/2023. The heavy-duty, locked plastic bin was then chained and padlocked to the permanent shelving post inside the always-locked building. This corrective action has resulted in the portable gauge having a minimum of two independent physical controls that form tangible barriers that secure it from unauthorized removal whenever the portable gauge is not under the RSOs control and constant surveillance per 10 CFR 30.34(i).

See Photo 1 showing corrective actions achieved:

1E07
RG N03
Rgn-TM



Photo 1

3) Corrective Steps That Will Be Taken

Corrective steps were taken on 11/29/2023 and completed by 12/6/2023. (See Photo 1.) However, upon review, if the corrective actions taken are not in compliance with 10 CFR 30.34(i), the RSO will immediately make the necessary adjustments in order to be in compliance.

4) Date When Full Compliance Achieved

Full compliance was achieved by 12/6/2023.

RESPONSE TO APPARENT VIOLATION OF 10 CFR 20.1902(e). "...to post the area in which radioactive material was stored with a conspicuous sign bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIALS" as required by 10 CFR 20.1902(e)."

1) Reason for Apparent Violation

The licensee (RSO) built a new building to use as a permanent storage area. The sign was not moved in a timely manner from the previous secured storage area to the new storage area.

2) Corrective Steps and the Results Achieved

On November 29, 2023, upon learning from the Nuclear Regulatory Commission (NRC) inspectors present that there was an apparent violation of 10 CFR 20.1902(e), the RSO took action to remedy the apparent violation by printing, laminating, and posting a temporary sign. The RSO ordered a permanent metal sign on 11/29/23 and as soon as it was delivered, posted it next to the locked storage container and on the locked storage container.

See Photo 2, below, showing corrective results achieved:



Photo 2

3) Corrective Steps That Will Be Taken

Corrective steps were taken and completed on 11/29/2023. (See Photo 2.) However, upon review, if the corrective actions taken are not in compliance with 10 CFR 20.1902(e), the RSO will immediately make the necessary adjustments in order to be in compliance.

4) Date When Full Compliance Achieved

Full compliance was achieved on 11/29/2023.

RESPONSE TO APPARENT VIOLATION OF 10 CFR 71.5(a) and 49 CFR 177.817(e). “...to store the shipping paper required for transporting hazardous material within the driver’s immediate reach when the driver was at the vehicle’s controls.”

1) Reason for Apparent Violation

The shipping paper was stored in a binder in the covered bed of the truck. The shipping paper was not in immediate reach when driver was at the vehicle’s controls.

2) Corrective Steps and the Results Achieved

On November 29, 2023, upon learning from the NRC inspectors present that there was an apparent violation of 10 CFR 71.5(a) and 49 CFR 177.817(e), the RSO took immediate action, reprinting the shipping papers and placing them in the cab of the truck within immediate reach of the driver.

See Photo 3, Photo 4 & Photo 5 showing corrective action results achieved:

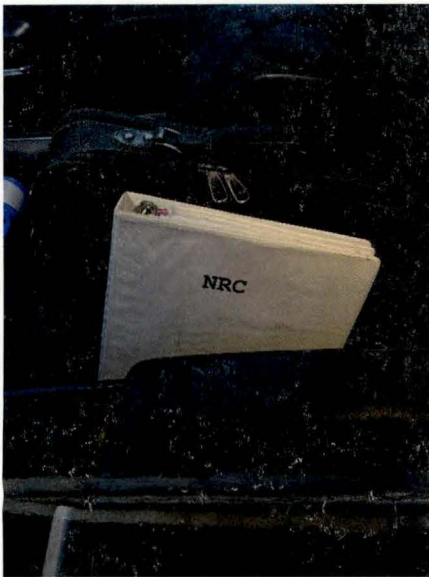


Photo 3

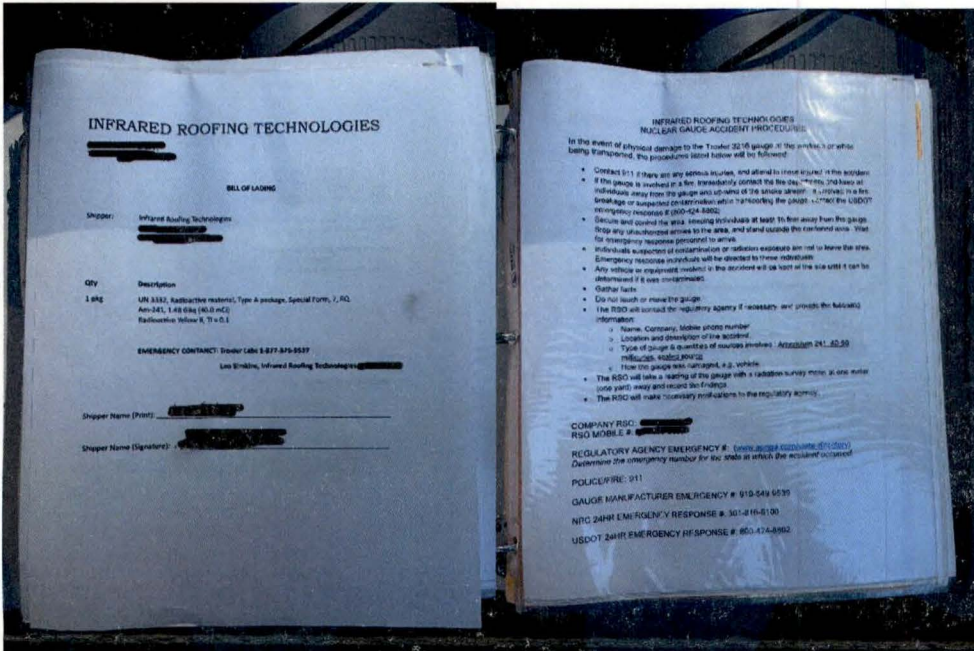


Photo 4 (personal information redacted).

Photo 5 (personal information redacted.)

3) Corrective Steps That Will Be Taken

Corrective steps were taken on 11/29/2023. (See Photos 3, 4, & 5.) However, upon review, if the corrective actions taken in line 2 above are not in compliance with 10 CFR 71.5(a) and 49 CFR 177.817(e), the RSO will immediately make the necessary adjustments in order to be in compliance.

4) Date When Full Compliance Achieved

Full compliance was achieved on 11/29/2023.