

STATE OF COLORADO

Bill Owens, Governor
Douglas H. Benevento, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

Mr. Jim Cain, Radiation Safety Officer
Cotter Corporation
0502 Fremont County Road 68
P.O. Box 1750
Canon City, CO 81215-1750

Subject: Investigation of Allegations, Radioactive Materials License #369-01

This letter is a summary of an investigation conducted in response to allegations received by this Division in connection with the possession and use of radioactive materials as authorized by the Radioactive Materials License (the License) issued to Cotter Corporation, Canon City, Colorado. The investigation consisted of selective examinations of procedures and records, and observations and interviews made by the inspector.

Based on the information developed by the Division during the investigation, and after consideration of the information you provided, the following Item of Noncompliance with the State of Colorado *Rules and Regulations Pertaining to Radiation Control* (the Regulations) and the Conditions of the License was noted:

- 1) Part 10.3 of the Regulations requires, in part, that each licensee inform workers of the storage, transfer, or use of sources of radiation, and to instruct workers in precautions and procedures to minimize exposures. In addition, License Condition 19.2.1 requires the licensee to adequately train each employee in radiation safety and their work assignment prior to commencement of work in a restricted area. Further, License Condition 19.4 requires that the licensee's Radiation Safety Officer prepare or have prepared a Radiation Work Permit prior to the start of any work, including maintenance, at any location of the licensed facility or site, which has radiation safety implications and for which no written procedures exists. The radiation work permit shall specify appropriate radiological controls.

Contrary to these requirements, statements received from workers formerly employed at the mill facility, and records submitted by Cotter and reviewed as part of this investigation, indicated that some of the workers involved in two projects - the cleaning of the primary overflow tank in July-August 2001, and the cleaning of the high rate sump in the CCD around April 2002 - did not receive adequate information related to the radiological conditions of these specific work assignments. Further, records indicate that only some of the workers involved in these projects had read and signed Radiation Work Permit 543, which the Radiation Safety Officer stated was used to cover the work.

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Your written response to the Item must be submitted to this Division within thirty (30) days from the date of this letter and must include: (1) corrective steps which have been taken to achieve compliance; (2) corrective steps which will be taken to avoid further noncompliance; and (3) the date when full compliance will be achieved.

As required by RH 10.2 of the Regulations, this notice must be posted so as to permit individuals engaged in licensed activities to observe it on the way to or from any particular licensed activity location to which the document applies. Any acknowledgement to this report by the licensee shall be posted within five (5) working days after dispatched by the licensee. Such documents shall remain posted for a minimum of five (5) working days or until actions correcting the violations have been completed, whichever is later.

If you have any questions concerning this letter, please contact Mr. Ed Stroud of this Division at (303) 692-3418

Steve Tarlton, Manager
Radiation Management Unit
Colorado Department of Public Health and Environment
Hazardous Materials and Waste Management Division

H/es/inspection/cotter