



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-4005

July 7, 2005

Glen Bobnick, P.E.  
Corporate Radiation Safety Officer  
Inberg-Surveying Company, Inc  
DBA Inberg Miller Engineers  
124 East Main Street  
Riverton, Wyoming 82501

SUBJECT: NRC INSPECTION REPORT 030-17754/05-002 AND NOTICE OF VIOLATION

Dear Mr Bobnick:

This letter refers to the safety inspection conducted on June 15, 2005, at a temporary job site located in Rock Springs, Wyoming. The inspection was an examination of activities conducted under NRC License 49-19477-01 as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of the license. Within these areas, the inspection consisted of selective examination of procedures and representative records. The results of the inspection were discussed with Mr. Mark Winkel of your staff at the conclusion of the inspection. A final exit interview was conducted with Mr. Jeremy Hernandez on June 28, 2005.

Based on the results of this inspection, the NRC has determined that one violation of NRC requirements occurred. This violation was evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Enforcement Policy**. The violation cited in the enclosed Notice of Violation (Notice) involved failure to have shipping papers available while the gauge was in transport. The violation is being cited in the enclosed Notice because it was identified by the NRC during the inspection, rather than being self-identified by the licensee.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/Adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Inberg-Surveying Company, Inc.

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If you have any questions concerning this inspection, please contact Mr. Larry Donovan at (817) 860-8140 or the undersigned at (817) 860-8287.

Sincerely,

***/RA/ R. A. Brown for***

Mark R. Shaffer, Chief  
Nuclear Materials Inspection Branch

Docket No.: 030-17754  
License No.: 49-19477-01

Enclosure: As stated

cc w/enclosure:  
Wyoming Radiation Control Program Director

bcc w/enclosure via e-mail distrib:

LDWert

CLCain

MRShaffer

JEWhitten

LDonovan

KEGardin

NMIB

RIV Materials Docket File (5<sup>th</sup> Floor)

SISP Review Completed:

ADAMS: : Yes **9**No Initials: ld

X Publicly Available Non-Publicly Available Sensitive **X** Non-Sensitive

DOCUMENT NAME: s:\dnms\!nmib\donovan\51775402.wpd final r:\\_dnms

RIV:DNMS:NMIB	C:NMLB	C:NMIB
LDonovan*	JEWhitten*	MRShaffer
<b>/RA/</b>	<b>/RA/ ADGaines for</b>	<b>/RA/ R. A. Brown for</b>
06/28/05	07/05/05	07/06/05

OFFICIAL RECORD COPY

T=Telephone

E=E-mail

F=Fax

\*Previous Concurrence

## **ENCLOSURE**

### NOTICE OF VIOLATION

Inberg-Surveying Company  
Riverton Wyoming 82501-4397

Docket No. 030-17754  
License No. 49-19477-01

During an NRC inspection conducted on June 15, 2005, one violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," the violation is listed below:

- A     10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

49 CFR 177.817(a) requires that a carrier not transport a hazardous material unless it is accompanied by a shipping paper prepared in accordance with 49 CFR 172.200-203. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

Contrary to the above, on June 15, 2005, the licensee transported a Troxler 3400 series portable gauge, which contained radioactive material on public highways without shipping papers.

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

Pursuant to the provisions of 10 CFR 2.201, Inberg Surveying Company, is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region IV, 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 or severity level, (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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to 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.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 6<sup>th</sup> day of July 2005