

October 10, 2007

Robert M. Wester, President  
R. M. Wester and Associates, Inc.  
215 Indacom Drive  
St. Peters, Missouri 63376

SUBJECT: NRC INSPECTION REPORT 030-17951/2007-001, INVESTIGATION REPORT 3-2007-013 AND NOTICE OF VIOLATION – R. M. WESTER AND ASSOCIATES, INC.

Dear Mr. Wester:

This refers to the inspection and investigation conducted on March 12 through August 28, 2007, with continuing in-office review of the OI investigation report through September 12, 2007, involving the University of Missouri, St. Louis facility in St. Louis, Missouri. The purpose of the investigation was to follow up on inspection issues identified by the NRC involving the University of Missouri, St. Louis between February 14 and 16, 2007. In addition, during our investigation, certain activities of R. M. Wester and Associates, Inc. were reviewed for compliance with NRC regulations.

Based on the results of the inspection and investigation, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

The violation is cited in the enclosed Notice of Violation. The violation occurred when the licensee received licensed material on four different occasions that it was not authorized to possess. Specifically, the licensee received four shipments of decayed licensed material that had been classified as waste by the University of Missouri, St. Louis. Documents related to the shipments, including an invoice and "Memorandum for Record," describe the material as waste. While some of those records also refer to the shipments as containing "environmental samples," there was no technical or regulatory basis for that classification, nor had the licensee performed any survey or evaluation of the material to determine that it had decayed to the point that it could no longer be considered waste. The violation is being cited in the Notice because your license is not authorized to receive decayed licensed material that has not been released in accordance with NRC requirements.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, an excerpt from NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," is enclosed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

During the inspection and investigation, the NRC has also identified additional Open Items that require further NRC review. The Open Items involve: (1) the possession of records generated by the University of Missouri – St. Louis (License No. 24-00513-38); and (2) statements made during the investigation concerning activities conducted under the R. M. Wester and Associates, Inc. license. You will be advised by separate correspondence of the results of our deliberations on these matters. No response regarding these Open Items is required at this time.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, 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.

Sincerely,

*/RA/*

John R. Madera, Chief  
Nuclear Materials Inspection Branch

Docket No. 030-17951  
License No. 24-20091-01

Enclosures:

- 1. Notice of Violation
- 2. Excerpt from NRC Information Notice 96-28

DISTRIBUTION w/encl 1:

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## NOTICE OF VIOLATION

R. M. Wester and Associates, Inc.  
St. Peters, Missouri

Docket No. 030-17951  
License No. 24-20091-01

During an NRC inspection and investigation conducted on March 12 through August 28, 2007, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.34(c) requires, in part, that each licensee confine his possession and use of byproduct materials to the locations and purposes authorized by the license.

Condition 7.c of License No. 24-20091-01 limits the authorized use of licensed materials to environmental samples.

Contrary to the above, on or about June 22, 2004, October 26, 2004, March 3, 2005 and March 18, 2005, the licensee possessed licensed material that was not in the form of environmental samples. Specifically, the licensee possessed radioactive waste transferred from another licensee for the purposes of disposal.

Pursuant to the provisions of 10 CFR 2.201, R. M. Wester and Associates, Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region III 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: (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.

Enclosure 1

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 2.390(b) to support a request for withholding confidential commercial or financial information).

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

Dated this 10th day of October

Enclosure 1