

December 8, 2008

Lawrence W. Matteson, President
L. W. Matteson, Inc.
#1 South Point
P.O. Box 667
Burlington, IA 52601-0667

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 030-32860/08-01(DNMS)
AND NOTICE OF VIOLATION – L. W. MATTESON, INC.

Dear Mr. Matteson:

This refers to the routine inspection conducted on November 17, 2008 at your office in Burlington, Iowa and at the Emergent Sandbar Habitat Lewis & Clark Lake field site near Yankton, South Dakota on November 19, 2008. The inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of the inspection, the NRC has determined that one 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/enforcement-pol.html>. The violation concerns the failure to conduct a leak test of a flow measurement device containing radioactive material every three years. Specifically, as of November 17, 2008, you failed to conduct a leak test on your flow measurement device used at the field site near Yankton, South Dakota, within the required three-year frequency. The violation occurred because of an oversight as a result of several management changes in your organization. The violation is cited in the enclosed Notice of Violation (Notice). The violation is being cited in the Notice because it was identified by the NRC.

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.

L. Matteson

-2-

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/readingrm/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.

We appreciate your cooperation and will gladly discuss any questions you have concerning this inspection.

Sincerely,

/RA/

John R. Madera, Chief
Materials Inspection Branch

Docket No. 030-32860
License No. 14-25212-01

Enclosures:

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

cc w/encls: Jon Nieman, Engineering Manager
State of Iowa
State of Illinois

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NOTICE OF VIOLATION

L. W. Matteson, Inc.
Burlington, Iowa

Docket No. 030-32860
License No. 14-25212-01

During a routine NRC inspection conducted on November 17, 2008 at your office in Burlington, Iowa and a field site inspection at the Emergent Sandbar Habitat Lewis & Clark Lake near Yankton, South Dakota, on November 19, 2008, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Condition 13.A of License No. 14-25212-01 states that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State.

Condition 9 of License No. 14-25212-01 states that the licensee is authorized to use a Texas Nuclear Model 5203 flow measurement gauge (gauge).

Certificate of Registration No. TX634D140B registers the Texas Nuclear Model 5203 gauge which requires that leak test frequency be conducted every 36 months.

Contrary to the above on November 19, 2008, the licensee was using a Texas Nuclear Model 5203 gauge at the Emergent Sandbar Habitat Lewis & Clark Lake near Yankton, South Dakota, and the licensee did not test the gauge for leakage and/or contamination within the required 36-month period.

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

Pursuant to the provisions of 10 CFR 2.201, L. W. Matteson, 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 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.

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>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

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

Dated this 8th day of December 2008