



ENGINEERING • SURVEYING • PLANNING
WWW.WLCWYO.COM

LETTER OF TRANSMITTAL

To: U.S. Nuclear Regulatory Commission
Washington, DC 20555

Date: 1/23/09	Job No.
Attn: Document Control Desk	
Reference: Reply to a notice of violation	

WE ARE SENDING YOU Attached Under separate cover via _____
the following items:

- Shop Drawings Prints Plans Samples Specifications
 Change Order Copy of Letter Other _____

COPIES	DATE	NO.	DESCRIPTION
1	1/23/09		Letter replying to notice of violation.

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Resubmit _____ copies for distribution
 As requested Returned for corrections Return _____ copies for distribution
 For review and comment Other _____

REMARKS:

Copy: U.S. NUCLEAR REGULATORY COMMISSION, REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON TX 76011-8064

Signed: *Gregory L. Boyd* RSO

1948 celebrating 60 years of service 2008

*TEO7
RGN IR*



ENGINEERING • SURVEYING • PLANNING
WWW.WLCWYO.COM

January 21, 2009

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555

RE: REPLY TO A NOTICE OF VIOLATION

To Whom It May Concern:

Worthington, Lenhart & Carpenter, Inc. (WLC) was inspected by the Nuclear Regulatory Commission (NRC) on October 7, 2008. During that inspection WLC incurred three (3) violations as outlined in the "NOTICE OF VIOLATION," Docket No.: 030-32144 dated January 8, 2009 included herein.

CONCLUSION:

The Corrective Action Process was initiated during the NRC Inspection where a complete and thorough review of WLC's Radiation Program for Nuclear Density Gauges was reviewed by WLC's R.S.O., WLC's Lab Supervisor, and an NRC Inspector. The root cause of the violations stemmed from WLC not doing annual reviews of its program for the last several years per NUREG-1556 Appendix "F". Prompt action was taken to correct the situations and annual reviews per NUREG-1556 Appendix "F" will be done by the end of the 2nd quarter of each year. Management and staff have been informed of the violations, corrective actions, and their role in communication, oversight and implementation. WLC will achieve full compliance if this response is accepted.

SPECIFICALLY:

Violation "A" concluded that WLC did not confine its possession of byproduct material to the location authorized by the license. WLC had opened branch offices since the prior issuance of their license and did not request a license amendment when nuclear density gauges were stored at branches on a permanent basis. An internal annual audit per NUREG-1556 Appendix "F" would have revealed this, if the audit had been performed. The corrective action taken was that WLC's R.S.O. contacted the NRC on October 7, 2008, to request the change. WLC received Amendment No. 4 to License no. 49-27067-01 on December 22, 2008. Further, The R.S.O. physically went to the branch offices in order to do an internal review per NUREG-1556 Appendix "F." An employee was assigned the task of branch R.S.O., NUREG-1556 Appendix "F" was reviewed in entirety with each branch R.S.O. and deficiencies were corrected. The Company R.S.O. will physically visit the branches before the end of the 2nd quarter each year to review and verify that NUREG-1556 Appendix "F" is being followed.

CASPER
200 PRONGHORN
CASPER, WY 82601
PH. 307-266-2524
FAX. 307-235-5604

CHEYENNE
P.O. BOX 20571
CHEYENNE, WY 82003
PH. 307-772-9303
FAX. 307-772-9350

GILLETTE
P.O. BOX 1056
GILLETTE, WY 82717
PH. 307-682-6554
FAX. 307-682-6365

PINEDALE
P.O. BOX 1519
PINEDALE, WY 82941
PH. 307-367-6548
FAX. 307-367-8548

1948 celebrating 2008
60 years of service

REPLY TO A NOTICE OF VIOLATION
continued

Violation "B" concluded that WLC did not satisfy the requirements in Subpart H to 49 CFR Part 172, specifically in that recurrent training had not been provided at least once every three (3) years. Although the R.S.O. and Lab Supervisor had discussed and even set several dates to do the retraining the day to day got in the way and time was not "made" to do the retraining. An internal annual audit per NUREG-1556 Appendix "F" would have revealed this, and that time MUST be made to do the hazmat retraining. The corrective action taken was that WLC held a company wide gauge users hazmat training on October 10, 2008 and reviewed Subpart H to 49 CFR Part 172 in its entirety. The expectations for safety and compliance were communicated and understood. During this training the NRC inspection was discussed openly so that these hazmat trained employees can take a more active part in the program. The Company R.S.O. will "make" time before the end of the 2nd quarter each year to review and verify that NUREG-1556 Appendix "F" is being followed. The branch R.S.O.'s will be responsible for scheduling a visit by the Company R.S.O. and submitting their summary of findings at the same time. Effectively, the personnel has been tripled for this review. Any recurrent training will be performed within specified time constraints.

Violation "C" concluded that WLC did not satisfy the requirements of 10 CFR 20.1101(c) in that periodic (at least annually) reviews had not been done for several years. Although the R.S.O. continued to do the public dose calculations annually, a through review per NUREG-1556 Appendix "F," was not done. The corrective action taken was that WLC, informed management, tripled the responsible personnel for the review of NUREG-1556 Appendix "F," informed all gauge users and management of their responsibilities, and management will MAKE time for the oversight and implementation.

These are issues that WLC takes very seriously first and foremost for the safety and security of all involved. As Civil Engineers we have a duty for the health and safety of the general public, and all people affected by our work. We also understand that we can be, individually and as a company, held legally and financially responsible for infractions. WLC requested the amendment the day of our inspection, informed management employees and the branch offices the next day, provided recurrent training within 3 days of the inspection, traveled to the branch offices and came into compliance with NUREG-1556 Appendix "F" within six weeks, received our license amendment on December 22, 2008, posted the notice of violation January 9, 2009, and responded to the violations within 30 days. Full compliance will be complete if/when this response is accepted.

Sincerely,



Gregory L. Biggs
R.S.O., WLC Treasurer
cc: file, Regional Administrator Region IV



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

January 8, 2009

Worthington, Lenhart & Carpenter, Inc.
ATTN: Gregory Biggs, RSO
200 Pronghorn
Casper, Wyoming 82601

SUBJECT: NRC INSPECTION REPORT 030-32144/08-01 AND NOTICE OF VIOLATION

Dear Mr. Biggs:

This refers to the inspection conducted from October 7, 2008 through December 15, 2008, at your facility in Casper, Wyoming. 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 the license. Within these areas, the inspection consisted of selected examination of procedures and representative records and interviews with personnel. Preliminary inspection findings were discussed with you at the conclusion of the onsite portion of the inspection. A final exit briefing was conducted with you telephonically on December 15, 2008.

Based on the results of this inspection, the NRC has determined that three violations of NRC requirements occurred. These violations were evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy). The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are being cited in the enclosed Notice of Violation (Notice) because they were identified by the NRC inspector. The violations involved the failures to: (1) conduct annual reviews of your radiation protection program; (2) conduct hazmat recurrent training every three years; and (3) amend the license to reflect changes in storage locations.

You are required to respond to this letter and the enclosed Notice of Violation (NOV). Please 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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, Enclosure 1, 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 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.

Should you have any questions concerning this inspection, please contact Mr. Larry Donovan at (817) 860-8140 or the undersigned at (817) 860-8130.

Sincerely,



G. Michael Vasquez, Acting Chief
Nuclear Materials Safety Branch A

Docket No.: 030-32144
License No.: 49-27067-01

Enclosures:

1. Notice of Violation
2. Information Notice 96-28

cc w/Enclosure 1:
Wyoming Radiation Control Program Director

NOTICE OF VIOLATION

Worthington, Lenhart & Carpenter, Inc.
Casper, Wyoming

Docket No. 030-32144
License No. 49-27067-01

During an NRC inspection conducted on October 7, 2008 through December 15, 2008, three violations of NRC requirements were identified. In accordance with the Enforcement Policy, the violations are listed below:

- A. 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 10.A. of License No. 49-27067-01 limits the use of licensed materials to 200 Pronghorn, Casper, Wyoming.

Contrary to the above, from on or about January 1, 2007 to October 7, 2008 the licensee did not confine its possession of byproduct material to the location authorized by the license. Specifically, the licensee possessed and used byproduct material at locations in both Gillette and Pinedale, Wyoming, locations not authorized by the license.

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

- B. 49 CFR 172.704(a) specifies the elements of hazmat employee training as: (1) general awareness/familiarization training, (2) function-specific training, and (3) safety training. 49 CFR 172.204(c) requires, in part, that a hazmat employee receive initial training, and recurrent training at least once every three years.

Contrary to the above, the licensee did not provide recurrent training for its hazmat employees which satisfied the requirements in Subpart H to 49 CFR Part 172. Specifically, seven portable gauge users at the time of the inspection had not received hazmat recurrent training at least once every three years. Dates of last hazmat training were between 2000 and 2004, a period greater than three years.

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

- C. 10 CFR 20.1101(c) requires that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, the licensee failed to conduct annual reviews of its radiation protection program from 2003 to 2008.

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

Enclosure1

Pursuant to the provisions of 10 CFR 2.201, Worthington, Lenhart & Carpenter, 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, 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.

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

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

Dated this 8th day of January 2009