



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
612 EAST LAMAR BLVD, SUITE 400  
ARLINGTON, TEXAS 76011-4125

May 20, 2009

EA-09-019

Mr. Tony Martin  
Radiation Safety Officer  
NorthWest Inspection, Inc.  
615 N. Kellogg St.  
Kennewick, Washington 99336

SUBJECT: NOTICE OF VIOLATION (NRC INSPECTION REPORT 150-00046/09-001)

Dear Mr. Martin:

This refers to the in-office inspection conducted between November 25, 2008, and February 19, 2009, regarding NorthWest Inspection, Inc.'s, radiographic operations conducted in NRC jurisdiction under the provisions of 10 CFR 150.20, "Recognition of Agreement State licenses," (reciprocity) during calendar year 2008. The purpose of the inspection was to assess the licensee's activities conducted under Washington State Radioactive Materials License WN-IR-065-1 and compliance with the Commission's rules and regulations, specifically, the General License established by 10 CFR 150.20. A final exit meeting was conducted telephonically with you on February 19, 2009, and the subject inspection report dated March 20, 2009, documented the results of the inspection.

On April 20, 2009, a predecisional enforcement conference was conducted with you telephonically from the Region IV office to discuss the apparent violation, its significance, its root causes, and your corrective actions.

Based on the information developed during the inspection and the information that you provided during the conference, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation involved the failure to file a submittal containing an NRC Form 241, "Report of Proposed Activities in Non-Agreement States," a copy of your Agreement State specific license, and the appropriate fee as prescribed in 10 CFR 170.31, prior to engaging in licensed activities within NRC jurisdiction in calendar year 2008. The violation initially occurred on March 28, 2008, when the licensee conducted licensed activities in Idaho, an area of NRC jurisdiction, without filing for reciprocity.

As a result, the general license required of an Agreement State specific licensee to conduct licensed activities in NRC jurisdiction was not established in accordance with 10 CFR 150.20. The apparent root causes for the violation were the licensee's lack of administrative procedures and inadequate management oversight of regulatory compliance within jurisdictions other than their own.

The NRC considers this violation significant because when an Agreement State licensee fails to file for reciprocity prior to conducting licensed activities in NRC jurisdiction the NRC's ability to meet its regulatory responsibility to ensure that those activities are conducted in a safe and secure manner is impacted. Therefore, in accordance with the NRC Enforcement Policy, this violation has been categorized at Severity Level III.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$6,500 is considered for a Severity Level III violation.

Because your facility has not been the subject of escalated enforcement actions within the last 2 years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section VI.C.2 of the Enforcement Policy. Based on your prompt and comprehensive corrective actions, the NRC has determined that *Corrective Action* credit is warranted. Your corrective actions included implementing an administrative procedure to ensure compliance with NRC regulatory requirements. This procedure included implementing a quarterly audit of your radiography program to review compliance with 10 CFR 150.20 and 10 CFR Part 34; developing and implementing a "Project Initiation Checklist" for reciprocity activities; and establishing a calendar reminder task to assist in filing the initial reciprocity submittal for each calendar year in a timely manner. You also indicated that the first quarterly audit of each year will occur in January and, if appropriate, will include a review to ensure that reciprocity has been obtained for the current calendar year. In addition, you provided training to administrative staff and authorized users that included the importance of identifying areas of NRC jurisdiction, the requirement for establishing reciprocity prior to initiation of licensed activities in NRC jurisdiction, and the requirement for authorized users to obtain a copy of reciprocity notifications prior to initiation of activities in NRC jurisdiction. Further, you filed the required reciprocity submittal for calendar year 2008.

Therefore, to encourage prompt comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III violation constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in NRC Inspection Report 150-00046/09-001 and your e-mail correspondence received April 16 and 18, 2009. Therefore, you are not required to respond to this letter unless the description therein does not

accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure(s) 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's Web site at <http://www.nrc.gov/reading-rm/pdr.html> or [www.nrc.gov/reading-rm/adams.html](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. If personal privacy or proprietary information is necessary to provide an acceptable response, 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 information, 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). The NRC also includes significant enforcement actions on its Web site at [www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html](http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html).

Sincerely,

*/RA/*

Elmo E. Collins  
Regional Administrator

Docket: 150-00046  
License: General License Pursuant to  
10 CFR 150.20 (WA License WN-IR-065-1)

Enclosure: Notice of Violation

cc:  
Gary L. Robertson, Director  
Division of Radiation Protection  
Department of Health  
111 Israel Road SE, Town Center 2  
P.O. Box 47827  
Olympia, WA 98504-7827

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<a href="mailto:Victor.Dricks@nrc.gov">Victor.Dricks@nrc.gov</a> ;	<a href="mailto:Linda.Mclean@nrc.gov">Linda.Mclean@nrc.gov</a> ;	<a href="mailto:Glenda.Villamar@nrc.gov">Glenda.Villamar@nrc.gov</a> ;
<a href="mailto:Marisa.Herrera@nrc.gov">Marisa.Herrera@nrc.gov</a> ;	<a href="mailto:Rachel.Browder@nrc.gov">Rachel.Browder@nrc.gov</a> ;	NMSB-A Inspector(s)

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<input checked="" type="checkbox"/> Publicly Avail		<input type="checkbox"/> Non-publicly Available	<input type="checkbox"/> Sensitive	<input checked="" type="checkbox"/> Non-sensitive
Category -n/a		CASE REFERENCE NO. EA-09-019 NOV NorthWest Inspection, Inc.		
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RBrowder	JEWhitten JDCook for	MCMaier	KSFuller	
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## NOTICE OF VIOLATION

NorthWest Inspection, Inc.  
Kennewick, Washington  
EA-09-019

Docket No. 150-00046  
General License pursuant  
to 10 CFR 150.20

During an NRC in-office inspection conducted between November 25, 2008, and February 19, 2009, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.3 states, in part, that except for persons exempt as provided in this part and Part 150 of this chapter, no person shall possess or use byproduct material except as authorized in a specific or general license issued in accordance with the regulations in this chapter.

10 CFR 150.20(a)(1) provides, in part, that any person who holds a specific license from an Agreement State is granted a general license to conduct the same activity in non-Agreement States provided that the provisions of 10 CFR 150.20(b) have been met.

10 CFR 150.20(b)(1) requires, in part, that any person engaging in activities in a non-Agreement State, shall at least 3 days before engaging in each activity for the first time in a calendar year, file a submittal containing an NRC Form 241, "Report of Proposed Activities in Non-Agreement States," a copy of its Agreement State specific license, and the appropriate fee as prescribed in 10 CFR 170.31 with the Regional Administrator for the Region in which the Agreement State that issued the license is located.

Contrary to the above, on March 28 - 31, April 8 and 23, July 30 - August 1, August 26, September 6 and 19, and October 29, 2008, Northwest Inspection, Inc., engaged in activities in a non-Agreement State, and did not file a submittal containing an NRC Form 241, "Report of Proposed Activities in Non-Agreement States," a copy of its Agreement State specific license, and the appropriate fee as prescribed in 10 CFR 170.31 with the Regional Administrator for the Region in which the Agreement State that issued the license is located. Specifically, NorthWest Inspection, Inc., a Washington State licensee, conducted radiographic operations in Idaho, a non-Agreement State, without filing a reciprocity submittal with the Regional Administrator of the NRC Region IV office.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to be taken to correct the violation and prevent recurrence, and the date when full compliance was achieved, are already adequately addressed on the docket in NRC Inspection Report 150-00046/09-001 and in your e-mail correspondence received April 16, 2009, and April 18, 2009. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA-09-019", and send it to the U.S. Nuclear

Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region IV, 612 E. Lamar Blvd., Suite 400, Arlington, Texas 76011-4125, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you choose to respond, 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's Web site at [www.nrc.gov/reading-rm/pdr.html](http://www.nrc.gov/reading-rm/pdr.html) or [www.nrc.gov/reading-rm/adams.html](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.

Dated this 20<sup>th</sup> day of May 2009