



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

June 11, 2009

EHM Engineers, Inc.
ATTN: Gary Burkett, P.E.
621 North College Road, Suite 100
Twin Falls, Idaho 83301

SUBJECT: NRC INSPECTION REPORT 030-32261/2009-001 AND NOTICE OF VIOLATION

Dear Mr. Burkett:

This refers to the inspection conducted on April 15, 2009, at your facility in Twin Falls, Idaho, with continued in-office review through June 3, 2009. The inspection was an examination of activities conducted under byproduct material license 11-27304-01 as it relates to safety and security, 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 your staff at the conclusion of the onsite portion of the inspection. A final exit briefing was conducted with you telephonically on June 4, 2009.

Based on the results of this inspection, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy included on the NRC's website at www.nrc.gov/about-nrc/regulatory/enforcement.html. The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in the subject Notice. The violations involved the failure to: 1) conduct an annual review of the radiation protection program content and implementation; 2) conduct a public dose assessment; and 3) conduct physical inventories every 6 months to account for all sources under the license. These violations are being cited in the Notice because they were identified by the NRC during the inspection.

The above violations are of concern to the NRC because they are repetitive in nature. While you were acting in the capacity of RSO during the 2004 inspection, you committed to immediately address the violations noted. The corrective actions and preventive measures stated in your letter dated April 6, 2004, were accepted based on prompt implementation and compliance dates indicated. Apparently, these actions were ineffective because the violations NRC identified during this inspection were the same type violations you, as a partner and co-owner of the company, agreed to correct. In the future, if similar type violations persist, additional enforcement action may be warranted.

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.

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 Rick Muñoz at (817) 860-8220 or the undersigned at (817) 860-8287.

Sincerely,

/RA Anthony D. Gaines for/

Vivian H. Campbell, Chief
Nuclear Materials Safety Branch A

Docket No.: 030-32261
License No.: 11-27304-01

Enclosures:

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

cc w/enclosure:
Idaho Radiation Control Program Director

bcc w/Enclosure 1
 EECollins
 ATHowell
 CLCain
 VHCampbell
 JEWhitten
 RRMuñoz
 MMHammond
 FEE
 NMSB-A
 RIV Materials Docket File (5th Floor)

SUNSI review completed: ADAMS: Yes Initials:
 Publicly Available Non-Sensitive
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RIV:DNMS:NMSB-A	RIV:DNMS:NMSB-A	C:NMSB-B	C:NMSB-A
RRMuñoz	MMHammond	JEWhitten	VHCampbell
<i>/RA/</i>	<i>/RA/</i>	<i>/RA/</i>	<i>/RA ADG for/</i>
06/09/09	06/09/09	06/10/09	06/10/09

OFFICIAL RECORD COPY

T=Telephone E=E-mail F=Fax

NOTICE OF VIOLATION

EHM Engineers, Inc.
Twin Falls, Idaho

Docket No. 030-32261
License No. 11-27304-01

During an NRC inspection conducted on April 15, 2009, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 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 periodically (at least annually) review the radiation protection program content and implementation. Specifically, the licensee had not reviewed the radiation program content and implementation for calendar years 2005 through 2008.

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

- B. 10 CFR 20.1302 (a) requires, in part, that the licensee shall make, as appropriate, surveys of radiation levels in unrestricted and controlled areas to demonstrate compliance with the dose limits for individual members of the public in 10 CFR 20.1301.

Contrary to the above, as of April 15, 2009, the licensee had not made surveys of radiation levels in unrestricted and controlled areas to demonstrate compliance with dose limits for individual members of the public. Specifically, from March 11, 2004 to the NRC inspection date of April 15, 2009, the licensee had not performed the required surveys.

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

- C. Condition 15 of License 11-27304-01, requires, in part, that the licensee shall conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.

Contrary to the above, the licensee failed to conduct physical inventories on three Troxler Model 3400 Series nuclear gauging devices containing radioactive sources. Specifically, the licensee failed to conduct inventories from January 1, 2005, through December 31, 2008.

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

Enclosure

Pursuant to the provisions of 10 CFR 2.201, EHM Engineers, 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 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 www.nrc.gov/reading-rm/pdr.html or 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). 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 11th day of June 2009