



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

December 2, 2009

EA: 09-287

Toromont Energy Systems, Inc.  
ATTN: John Lafferty  
Operations Manager  
P.O. Box 51150  
Casper, Wyoming 82605

SUBJECT: NRC INSPECTION REPORT 030-37416/2009-001 (**CORRECTED COPY**)

Dear Mr. Lafferty:

This refers to the inspection conducted on October 28, 2009, with in-office review to November 23, 2009, at your facility in Casper, Wyoming. The inspection was an examination of activities conducted under byproduct material License 49-29253-01 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 November 23, 2009.

Based on the results of this inspection, a violation of National Source Tracking System (NSTS) reporting requirement 10 CFR 20.2207 was identified and the issue was discussed with you during the exit meeting. This violation involved the failure to submit source inventory information to the NSTS as required by 10 CFR 20.2207. Because this was your first inspection after the effective date of NSTS reporting requirements, and you committed to take prompt corrective actions such as: 1) updating the missed reporting, and 2) implementing a process for ensuring future reporting, the NRC is using discretion to disposition this violation as a non-cited violation (NCV). However, any future violations of NSTS reporting requirements will be categorized as cited violations and evaluated as such.

Please review and sign the attached NRC Form 591M and return it to this office at the address listed in the letterhead within 15 days of receipt of this letter. Please keep a copy of the signed NRC Form 591M for your records.

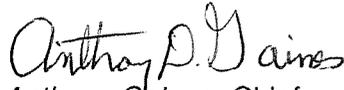
In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, and it's enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the Web site at <http://www.nrc.gov/reading-rm/adams.html>. 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.

Toromont Energy Systems, Inc.

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Should you have any questions concerning this inspection, please contact Larry Donovan at (817) 860-8140 or the undersigned at (817) 860-8252.

Sincerely,

Handwritten signature of Anthony P. Gaines in black ink.

Anthony Gaines, Chief  
Nuclear Materials Safety Branch A

Docket: 030-37416  
License: 49-29253-01

Enclosure:  
NRC Form 591M

cc w/enclosure:  
Wyoming Radiation Control Program Director

**SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION**

1. LICENSEE/LOCATION INSPECTED:  
Toromont Energy Systems (Wyoming), Inc  
P.O. Box 51150  
Casper, Wyoming 82605

REPORT NO: 2009-001

2. NRC/REGIONAL OFFICE  
  
U.S. Nuclear Regulatory Commission  
Region IV, 612 East Lamar Blvd, Suite 400  
Arlington, Texas 76011-4125

3. DOCKET NUMBER  
030-37416

4. LICENSE NUMBER  
49-29253-01

5. DATE OF INSPECTION  
October 28, 2009

**LICENSEE:**  
The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

- 1. Based on the inspection findings, no violations were identified.
- 2. Previous violation(s) closed.
- 3. The violations, specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy to exercise discretion were satisfied.

Non-Cited Violation(s) was/were discussed involving the following requirement(s) and Corrective Action(s):

**Failure to submit National Source Tracking System (NSTS) inventory information pursuant to 10 CFR 20.2207. Licensee submitted required information to NRC during the inspection and modified procedures to incorporate NSTS requirements.**

- 4. During this inspection certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

**Licensee's Statement of Corrective Actions for Item 4, above.**

I hereby state that, within 30 days, the actions described by me to the inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

Title	Printed Name	Signature	Date
LICENSEE'S REPRESENTATIVE			
NRC INSPECTOR	Lawrence Donovan		11/23/2009

- Non-Public   
  Sensitive – Security-Related   
  Public   
  Non-Sensitive

Electronic distribution w/enclosure:

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- M. Herrera, Fee Coordinator
- RIV Materials Docket File (5<sup>th</sup> Floor)

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ADAMS: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		<input checked="" type="checkbox"/> SUNSI Review Complete	Reviewer Initials:
		<input checked="" type="checkbox"/> Publicly Available	<input checked="" type="checkbox"/> Non-Sensitive
		<input type="checkbox"/> Non-publicly Available	<input type="checkbox"/> Sensitive
RIV:NMSB-A	C:NMSB-A		
LDonovan;df	ADGaines		
/RA/	ADG		
11/24/09	11/30/09		

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