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

March 11, 2010

Jeffery D. Bates, PE
President and RSO
Jorgensen Associates, P.C.
270 E Simpson Ave
Jackson, WY 83002

SUBJECT: NRC INSPECTION REPORT 030-31731/10-001 AND NOTICE OF VIOLATION

Dear Mr. Bates:

This refers to the routine unannounced inspection conducted on February 23, 2010, at Jorgensen Associates, P.C. in Jackson, Wyoming. The inspection was an examination of activities conducted under your license as they relate to radiation safety and security, and to compliance with the Commission's rules and regulations, as well as the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of activities, and interviews with personnel. The inspectors discussed the preliminary inspection findings with you at the conclusion of the onsite portion of the inspection. A final exit briefing was conducted with you on March 3, 2010.

Based on the results of this inspection, the NRC has determined that four violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy included on the NRC's Web site at www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html. The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them described in the subject Notice. These violations are being cited in the Notice because they were identified by the NRC, rather than self-identified by the licensee.

You are required to respond to the Notice 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 Related 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 NRC's 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. 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).

Should you have any questions regarding this inspection please contact Mr. Anthony Gaines at (817) 860-8252 or the undersigned at (817) 860-8287.

Sincerely,

/RA/

Vivian H. Campbell, Chief
Nuclear Materials Safety Branch A

Docket: 030-31731
License: 49-27033-01

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

cc w/enclosures:

Wyoming Radiological Services Supervisor

bcc w/enclosure1 (via ADAMS distrib):
E Collins
ATHowell
CLCain
VHCampbell
EWhitten
AGaines
MHerrera
NMSB-A
RIV Materials Docket File (5th Floor)

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Final: R:_DNMS

ADAMS	☐ No	X Yes	X SUNSI Review Complete	Reviewer Initials: LD
X Publicly Available	☐Non-publicly Available		☐Sensitive	X Non-sensitive
Category – **KEYWORD**:				

RIV:DNMS:NMSB-A	C:NMSB-A
AGaines	VHCampbell
/RA/	***/RA/***
03/10/2010	03/10/2010

OFFICIAL RECORD COPY T=Telephone E=E-mail F=Fax

NOTICE OF VIOLATION

Jorgensen Associates, P.C.
Jackson, WY

Docket No: 030-31731
License No: 49-27033-01

During an NRC inspection conducted on February 23, 2010, four violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 107, 171-180, and 390-397.

A. 49 CFR 172.202(a) and (b) require in part, with exceptions not applicable here, that the shipping description of a hazardous material on the shipping paper include, in the following sequence: (1) the proper shipping name prescribed for the material in 172.101 (2) the hazard class prescribed for the material as shown in Column 3 of the 172.101 Table, and (3) the identification number prescribed for the material as shown in Column 4 of the 172.101 Table. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

   Contrary to the above, from October 2004 to the date of the inspection, the licensee transported outside the confines of their facility, portable gauges containing licensed material, and the shipping description on the shipping paper that accompanied the shipment did not include the correct identification number. Specifically, the shipping papers for the portable gauges identified the material as UN2974, "Radioactive Material, Special Form, not otherwise specified." This identification number was removed from the DOT regulations in 2004. The material should have been identified as UN3332, "Radioactive Material, Type A package, special form, non-fissile or fissile-excepted."

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

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 172.704(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 training for its hazmat employees which satisfied the requirements in Subpart H to 49 CFR Part 172, in that the licensee's employees did not receive recurrent training at least once every three years, and the licensee otherwise meets the definition of a hazmat employer in 49 CFR 171.8. Specifically, the employees had last completed hazmat training in 2001, which is greater than three years from the date of the inspection.

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

C. 49 CFR 172.201(d) requires that a shipping paper contain an emergency response telephone number as prescribed in Subpart G of 49 CFR Part 172.

49 CFR 172.604 states in part, that, the telephone number required must be the number of the person offering the material for transport or the number of an organization capable of and accepting responsibility for providing the detailed information concerning the hazardous material.

Contrary to the above, from October 2004 to the date of the inspection, the licensee transported outside the confines of their facility, portable gauges containing licensed material, and the shipping papers that accompanied the shipment listed the number for the Troxler office as the emergency response number on the shipping papers rather than a number for a member of the licensee's staff. The licensee had not obtained an agreement with Troxler to accept responsibility for the shipment while in transport or storage awaiting transport.

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

D. 10 CFR 20.1101(c) requires, in part, that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, since the last inspection in 2005 through 2009, the licensee failed to periodically (at least annually) review the radiation protection program content and implementation.

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

Pursuant to the provisions of 10 CFR 2.201, Jorgensen Associates, P.C. 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's 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 March 2010.