



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

March 31, 2010

EA-10-005

Mr. Royce Roberts
Radiation Safety Officer
Arctic Pipe Inspection, Inc.
P.O. Box 1296
Kenai, Alaska 99611

SUBJECT: WITHDRAWAL OF NOTICE OF VIOLATION (NRC INSPECTION
REPORT 030-12538/2009-001)

Dear Mr. Roberts:

This is in response to your letter dated December 23, 2009, in which you contested the violations of NRC requirements documented as Severity Level IV violations in the Notice of Violation (Notice) associated with NRC Inspection Report 030-12538/2009-001, dated December 1, 2009. The violations cited in the Notice concerned Arctic Pipe Inspection, Inc.'s (Arctic Pipe) failures to: (a) conduct annual audits of the radiation protection program from 2004 to 2009, (b) conduct physical inventories every 6 months to account for the radioactive material from 2004 to 2009, and (c) test a sealed source that was stored for more than 10 years for leakage.

At the time of the inspection on October 20, 2009, Mr. Seth Oehler, Arctic Pipe's custodian, informed the inspector that he did not know the location of these required records and requested that the inspector contact you. The inspector contacted you to discuss the preliminary findings of the inspection, and you indicated that you would try to locate these records. On November 12, 2009, the inspector contacted you to inquire about the status of your search for these records. You informed the inspector that you could not locate the records, and it appeared that the violations, as identified during the inspection, were valid. Consequently, on December 1, 2009, the NRC issued a Notice that included the three aforementioned violations.

During a telephone call on December 23, 2009, you informed the NRC that these records had been found and were being sent to the NRC for review. The NRC acknowledged receipt of the new information in a letter dated January 19, 2010, and informed you that the NRC would review the new information and would advise you when we had completed our review.

With your response dated December 23, 2009, you provided a record of the annual radiation protection program review of the licensed activities conducted under your license. You stated

that limited reviews of the safety aspects of the program were reviewed periodically through your visits to the site, but that no record had been maintained. The NRC's Enforcement Policy provides for recognizing violations of minor safety or environmental concern as minor violations, not subject to enforcement actions. The failure to maintain written documentation of activities that were conducted is considered a minor violation. Violations of this nature, such as the failure to document audits conducted pursuant to 10 CFR 20.2102 are identified to the licensee during an inspection so that appropriate corrective actions can be taken, but typically are not cited in an inspection report.

Your December 23, 2009, response also included a record of the physical inventories performed every 6 months from January 1995 to June 2009 to account for the sealed source and/or device and a copy of the sealed source leak test certificate dated April 2, 2004, for the source that was placed in storage on October 24, 1994. The leak test conducted in April 2004 is within the required 10-year period. The results indicated removable contamination below the NRC limit of 0.005 microcuries.

Based on the new information provided in your December 23, 2009, letter, the NRC has concluded that the violations cited in the Notice did not occur. Therefore, the violations in the Notice are withdrawn. Our records will be amended to reflect this change. Please note that in accordance with 10 CFR 30.52(b), you are required to make records available for inspection.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC's 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>.

Should you have any questions concerning this letter, please contact Vivian Campbell, Chief, Nuclear Materials Safety Branch A, at 817-860-8287.

Sincerely,

/RA/

Arthur T. Howell, Director
Division of Nuclear Materials Safety

Docket: 030-12538
License: 50-17314-01

cc:
Alaska Radiation Control Program Director

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Publicly Avail	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sensitive	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Sens. Type Initials	LD
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