



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

June 3, 2010

EA-10-074

Jeremy Hernandez,
Executive Vice President
Inberg-Surveying Company, Inc.
dba Inberg-Miller Engineers
124 East Main Street
Riverton, Wyoming 82501

SUBJECT: NRC INSPECTION REPORT 030-17754/2010-001 AND NOTICE OF VIOLATION

Dear Mr. Hernandez:

This refers to the inspection conducted from January 21 through February 11, 2010, at your facilities in Cheyenne, Casper, and Riverton, Wyoming. The inspectors gathered additional information by telephone and electronic mail from February 17 through April 9, 2010. In-office review continued through May 10, 2010. The lead inspector discussed the preliminary inspection findings with your staff at the conclusion of the onsite portion of the inspection conducted at your Riverton, Wyoming, facility. The lead inspector conducted a final exit briefing telephonically with you on May 10, 2010. The enclosed report presents the results of this inspection.

This inspection examined 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 NRC license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of activities, and interviews with personnel.

In the telephone conversation of May 10, 2010, Messrs. Anthony Gaines and Jason Razo of my staff informed you that the NRC was considering escalated enforcement for an apparent violation involving the failure to use two independent physical controls to secure a portable gauge while in storage at your Cheyenne, Wyoming, field office. Mr. Razo also informed you that the NRC had sufficient information regarding the apparent violation and your corrective actions to make an enforcement decision without the need for a predecisional enforcement conference or a written response from you. You agreed that a predecisional enforcement conference or written response was not needed.

Based on the information developed during the inspection and the information that you provided in your electronic mails dated February 17 and April 9, 2010, 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 inspection report. As noted above, the violation involved a failure to use two independent physical controls to secure a portable gauge while in storage. Specifically, the portable gauge was stored in a Troxler gauge case within a locked cabinet in a work lab at the Inberg-Miller Engineers facility in Cheyenne, Wyoming, a licensed storage location. The lock on the storage cabinet was the only physical control present since the rear door of the work lab was not locked and no one was present in the work lab to provide constant surveillance. The apparent root cause of the violation was a failure by the licensee to ensure that the rear door of the work lab was locked when Inberg-Miller Engineers' personnel were not present in the work lab.

The NRC considers this violation significant because this security requirement provides a reasonable assurance that licensed material stored in controlled or unrestricted areas will be secured from unauthorized removal or access. Therefore, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. The NRC Enforcement Policy may be found on the NRC's Web site at www.nrc.gov/about-nrc/regulatory/enforcement/enforc-pol.pdf.

In accordance with the NRC Enforcement Policy, a base civil penalty for \$3,500 is considered for a Severity Level III violation.

Because your facility has not been the subject of escalated enforcement actions within the last two inspections, 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 immediately securing the portable gauge with a second independent physical control, amending your employee training plan to include instruction on gauge security measures, and revising your plan for annual internal auditing of the main office and field offices to include review of gauge storage and security measures, and retraining on securing the gauges.

Therefore, to encourage prompt and 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.

Based on the results of this inspection, the NRC has also determined that four Severity Level IV violations of NRC requirements occurred. The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the Notice. The violations are being cited in the Notice because they were identified by the NRC during the inspection.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, if you choose to provide one, 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.

Sincerely,

/RA/

Elmo E. Collins
Regional Administrator

Docket: 030-17754
License: 49-19477-01

Enclosures:

1. Notice of Violation
2. NRC Inspection Report 030-17754/10-001
(w/Attachment)
3. NRC Information Notice 96-28

cc:w/Enclosures 1 and 2:
Mr. Scott W. Ramsay
Radiological Services Supervisor
State of Wyoming Office of
Homeland Security
2421 E. 7th Street
Cheyenne, WY 82001

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ADAMS	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	XSUNSI Review Complete		Reviewer Initials: JMR
<input checked="" type="checkbox"/> Publicly Available		<input type="checkbox"/> Non-publicly Available		<input type="checkbox"/> Sensitive	<input checked="" type="checkbox"/> Non-sensitive
Category – KEYWORD:			EA-10-074 NOV		
RIV:DNMS:MSB-A	C:MSB-A	ACES	RC	D:DNMS	
JMRazo	VHCampbell	CMaier	KFuller	KKennedy	
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05/11/2010	05/17/2010	05/20/2010	05/26/2010	05/27/2010	
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NOTICE OF VIOLATION

Inberg-Surveying Company, Inc.
dba Inberg-Miller Engineers
Riverton, Wyoming

Docket: 030-17754
License: 49-19477-01
EA-10-074

During an NRC inspection conducted from January 21 through May 10, 2010, five violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 30.34(i) requires that each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, on January 21, 2010, the licensee failed to use a minimum of two independent physical controls that form tangible barriers to secure a portable gauge from unauthorized removal, when the portable gauge was not under the control and constant surveillance of the licensee. Specifically, the licensee stored a portable gauge in a work lab in Cheyenne, Wyoming, with only one lock on a cabinet to provide a tangible barrier to secure the portable gauge from unauthorized removal.

This is a Severity Level III violation (Supplement VI)

- B. License Condition 13.A of Amendment 12 to NRC Materials License 49-19477-01 requires that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate or registration issued by U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State.

The certificate of registration for the nuclear portable gauge used by the licensee designates the leak test frequency interval to be 1 year (12 months).

Contrary to the above, on February 9, 2010, the licensee failed to test a sealed source for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate or registration issued by NRC or by an Agreement State. Specifically, the licensee used a Troxler Electronic Laboratories, Inc., nuclear portable gauge, serial number 30447, at a temporary job site. Portable gauge serial number 30447 was last leak tested on January 19, 2009, an interval exceeding 12 months.

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

- C. License Condition 21 of Amendment 12 to NRC Materials License 49-19477-01, requires, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the facsimile dated January 14, 2003, including any enclosures.

Item 8 of the enclosure to the facsimile dated January 14, 2003, "Training For Individuals Working In Or Frequenting Restricted Areas," states, in part, that before using licensed materials, authorized users will have successfully completed one of the training courses

described in Criteria in the section entitled, "Training for Individuals Working in or Frequenting Restricted Areas" in NUREG-1556, Volume 1, dated May 1997.

The training courses described in Criteria in the section entitled, "Training for Individuals Working in or Frequenting Restricted Areas," in NUREG-1556, Volume 1, dated May 1997 are "Portable gauge manufacturer's course for users" or equivalent course that meets Appendix D criteria.

Contrary to the above, on February 9, 2010, the licensee failed to conduct its program in accordance with the statements, representations, and procedures contained in the facsimile dated January 14, 2003, and its enclosures. Specifically, the licensee allowed an individual to use licensed materials and that individual had failed to successfully complete a "Portable gauge manufacturer's course for users" or equivalent course that meets Appendix D criteria.

This is a Severity Level IV violation (Supplement VI)

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

1. 49 CFR 172.200(a) requires, in part, that each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner required by this subpart. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

49 CFR 172.202(a)(1) requires that the shipping description of a hazardous material on the shipping paper must include the identification number prescribed for the material as shown in Column (4) of the 49 CFR 172.101 table.

Column (4) of the 49 CFR 172.101 table states, in part, that the identification number for hazardous material described as radioactive material, Type-A package, special form non-fissile or fissile excepted is UN3332.

Contrary to the above, on February 9, 2010, the licensee offered a hazardous material for transportation and failed to describe the hazardous material on the shipping paper in the manner required by this subpart. Specifically, the shipping paper that accompanied the shipment did not include the correct identification number. The shipping paper used the identification number UN2974 instead of UN3332, as required for radioactive material Type-A package, special form non-fissile or fissile excepted.

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

2. 49 CFR 172.702 requires, in part, that each hazmat employer ensure that each of its hazmat employees is trained in accordance with the requirements prescribed in Subpart H of 49 CFR Part 172; and that each of its hazmat employees is tested by appropriate means on the training subjects covered in §172.704. The terms Hazmat Employer and Hazmat Employee are defined in 49 CFR 171.8.

49 CFR 172.704(a) specifies the elements of hazmat employee training as: (1) general awareness/familiarization training, (2) function-specific training, (3) safety training, (4) security awareness training and (5) in-depth security training. 49 CFR 172.704(c)(2) *Recurrent Training* requires that a hazmat employee receive the training required by this subpart at least once every 3 years.

Contrary to the above, on February 9, 2010, the licensee did not ensure that its hazmat employees were trained in accordance with the requirements in Subpart H of 49 CFR Part 172. Specifically, the licensee did not provide initial or recurrent hazmat training at the required intervals for each of its hazmat employees and did not ensure that its hazmat employees were tested on the training subjects covered in §172.704. The licensee otherwise met the definition of hazmat employer listed in 49 CFR 171.8.

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

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to be taken to correct the violations and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in electronic mails dated February 17 and April 9, 2010. 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-10-074," 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, within 30 days of the date of the letter transmitting this 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 or 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.

In accordance with 10 CFR 19.11, you may be required to post this Notice within 2 working days.

Dated this 3rd day of June 2010

U.S. Nuclear Regulatory Commission
Region IV

Docket No.: 030-17754
License No.: 49-19477-01
Report No.: 030-17754/10-001
EA No.: 10-074
Licensee: Inberg-Surveying Company, Inc. dba Inberg-Miller Engineers
Facilities: Main Office and Field Offices
Locations: Cheyenne, Casper, and Riverton, Wyoming
Date: January 21, through May 10, 2010
Inspectors: Jason Razo, Health Physicist
Nuclear Materials Safety Branch A

Lawrence Donovan, Health Physicist
Nuclear Materials Safety Branch A

Latischa Hanson, Health Physicist
Nuclear Materials Safety Branch A

Approved By: Vivian Campbell, Chief
Nuclear Materials Safety Branch A

Attachment: Supplemental Inspection Information

EXECUTIVE SUMMARY

Inberg-Surveying Company, Inc. dba Inberg-Miller Engineers
NRC Inspection Report 030-17754/10-001

This was a routine, unannounced inspection of licensed activities involving the use and storage of byproduct material at the Inberg-Miller Engineers (Inberg) facilities in Cheyenne, Casper, and Riverton, Wyoming. The inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. This report describes the findings of the inspection.

Program Overview

Inberg is authorized to use and store byproduct material (cesium-137 and americium-241) in the operation of portable gauges at its facilities located throughout Wyoming, and at temporary job sites in areas of NRC jurisdiction. The licensee possessed 17 Troxler moisture density gauges for environmental testing. (Section 1)

Inspection Findings Considered for Escalated Enforcement

- The licensee failed to secure a portable gauge while in storage. The licensee used only one barrier when a minimum of two are required. This was identified as a violation of 10 CFR 30.34(i). (Section 2.2)

Escalated Enforcement Corrective Actions

- On January 21, 2010, the licensee installed a second hasp and lock on the exterior of the gauge storage cabinet to provide a second independent physical control. (Section 3)
- On April 9, 2010, the licensee submitted a Long-Term Correction Action Plan. Conducting more rigorous audits and a more extensive corporate training policy were components of the licensee's corrective action plan. (Section 3)

Inspection Findings Not Considered for Escalated Enforcement

- The licensee failed to perform leak tests of sealed sources at required intervals. (Section 2.4.1)
- The licensee failed to ensure that portable gauge users received required training prior to using a portable gauge. (Section 2.4.2)
- The licensee failed to have the correct identification number on the shipping papers. (Section 2.4.3.1)
- The licensee failed to ensure that portable gauge users had received hazardous material transportation training prior to transporting a portable gauge. (Section 2.4.3.2)

Report Details

1 Program Overview (87124 and 86740)

1.1 Inspection Scope

The inspectors reviewed the license and supporting documentation, interviewed licensee staff, and examined storage locations at Inberg's field offices in Cheyenne, Wyoming, on January 21, 2010; in Casper, Wyoming, on February 9, 2010; and at the main office in Riverton, Wyoming, on February 11, 2010. Collectively, the documents reviewed described the licensee's implementation of its NRC license requirements and its radiation safety and security program.

1.2 Observations and Findings

Inberg operates a civil, geotechnical, environmental engineering, and land-surveying firm from its offices throughout Wyoming. At the time of the inspection, they possessed 17 portable gauges that are dispersed over their authorized field offices and main office in Wyoming. Access controls, shielding, comprehensive safety measures, dosimetry, and audits were some of the items covered in the scope of the inspection.

2 Inspection Findings (87124 and 86740)

2.1 Inspection Scope

The inspectors interviewed licensee staff, reviewed procedures, observed demonstrations of licensed activities, and assessed the licensee's implementation of the NRC's gauge security requirements when the portable gauge is not under the surveillance of an authorized user. Licensed activities were examined as they relate to the safety and security of the radioactive material and the licensee's policies and procedures for handling licensed materials both in storage and in transit. The inspectors also evaluated training, shipping and receiving, posting, labeling, and storage of licensed material.

2.2 Observations and Findings Considered for Escalated Enforcement

10 CFR 30.34(i) requires that each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

During the inspection of the Cheyenne, Wyoming, field office on January 21, 2010, the NRC identified a failure by Inberg to secure a portable gauge while in storage. Specifically, a portable gauge was stored in a locked cabinet within a work lab at the field office. There was only one locked padlock on the cabinet at the time of the inspection. The work lab was on Inberg's property, which was enclosed by a fence.

At the time of the inspection, the fence was unlocked and ajar. In addition, the rear door leading from the exterior of the building into the work lab was unlocked. No Inberg personnel were present in the work lab to provide control and constant surveillance of the gauge. Since the rear door of the work lab was not locked and the exterior property fence was not locked, only one independent physical control was securing the portable gauge while in storage. In this instance, the lock on the cabinet proved to be the only physical control that was present.

Based on the January 21, 2010, inspection findings, the inspectors determined that the licensee failed to maintain adequate control of their portable gauge. The licensee's failure to use a minimum of two independent physical controls that form tangible barriers to secure the portable gauge from unauthorized removal, whenever the portable gauge was not under the control and constant surveillance of the licensee was identified as a violation of 10 CFR 30.34(i). (030-17754/10-001-01)

The root cause of this violation was human error. The gauge users at the field office were familiar with the requirement for two independent physical controls. At the time of the inspection, the gauge users believed that the rear door was locked and secured when, in fact, the door had been left ajar.

2.3 Conclusions

The inspection identified a failure to secure a portable gauge with a minimum of two independent physical controls while in storage at the Inberg-Miller Engineers' facility in Cheyenne, Wyoming. This was identified as a violation of 10 CFR 30.34(i).

2.4 Observations and Findings Not Considered for Escalated Enforcement

2.4.1 Leak Tests

License Condition 13.A. of Amendment 12 to Inberg-Miller Engineers' NRC Materials License NRC 49-19477-01 requires that sealed sources be tested for leakage and/or contamination at specified intervals. On February 9, 2010, an authorized user for Inberg-Miller Engineers used a portable gauge containing sealed sources that had not been tested for leakage and/or contamination at the required intervals.

For this specific gauge, the last test for leakage and/or contamination was conducted on January 19, 2009. The sources in this portable gauge type are required to be tested at intervals not to exceed 12 months. The licensee's failure to conduct the leak test within the required interval was identified as an example of a violation of License Condition 13.A. (030-17754/10-001-02)

The root cause of the violation appears to be a miscommunication between the field office personnel and the main office personnel. All gauges were supposed to be present at the main office during corporate week so that they could all receive routine services.

However, some projects were continuing during corporate week, and the gauges were not available. At the time, Inberg did not have an effective process to account for this missed routine service opportunity.

2.4.2 Gauge User Training

During the renewal process for Inberg's NRC Materials License in January 2003, Inberg committed to provide training to individuals using portable gauges. Individuals using the portable gauges are referred to as authorized users. Authorized users have the responsibility to ensure the surveillance, proper use, and security of portable gauges containing licensed material.

In January 2003, Inberg committed to ensuring that portable gauge users would complete a portable gauge manufacturer's course for users or an equivalent course that meets NUREG-1556, Volume 1, dated May 1997, Appendix D criteria. Part of the criteria in Appendix D included instruction in radiation safety and regulatory requirements, practical explanation of portable gauge theory and operation, and a closed-book written examination.

Since the last NRC inspection, Inberg portable gauge users failed to complete all required training prior to using the portable gauges. Some authorized users had completed a manufacturer's course for users. However, some users had received only on-the-job training. On-the-job training can be a component of authorized user training, but complete and adequate training must also include the aforementioned instruction in radiation safety and regulatory requirements, as well as a closed-book written examination.

The inspectors interviewed a selection of gauge users that had not received adequate training. They answered questions on radiation safety and on practical use of the portable gauge. They stated that they were not aware that they were required to complete specific gauge user training prior to using the portable gauges while not supervised. They believed that the general training received at corporate week group training sessions at the main office in Riverton, Wyoming, was adequate.

This was a failure by Inberg to ensure successful completion of a "Portable gauge manufacturer's course for users" or equivalent course that meets Appendix D criteria before using licensed material. This was identified as a violation of License Condition 21, which requires Inberg to conduct its program in accordance with a facsimile dated January 14, 2003. (030-17754/10-001-03)

The root cause of this violation appears to be an incomplete understanding of NRC materials license commitments made by Inberg. Many authorized portable gauge users had received the required training, but there was not a mechanism in place at the corporate level to ensure that all gauge users at the field offices were compliant with Inberg training policies and procedures prior to using the portable gauges.

2.4.3 Department of Transportation Regulations

10 CFR 71.5(a) requires, in part, that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, or where transport is on public highways, shall comply with the applicable requirements of the Department of Transportation regulations. The Department of Transportation regulations are found in Title 49, "Transportation," of the *Code of Federal Regulations*.

2.4.3.1 Shipping Papers

49 CFR 172.202 requires, in part, that hazardous materials be described on the shipping papers. Radioactive material is classified as hazardous material in accordance with 49 CFR 172.101. 49 CFR 172.202(a)(1) requires that shipping papers must have the correct identification number that describes the type of radioactive material being transported.

The shipping paper that accompanied the transport of an Inberg shipment on February 9, 2010, failed to have the correct identification number for the radioactive material being transported. Specifically, the shipping paper that accompanied the portable gauge shipment used the identification number 2974, which is an expired identification number. This was identified as a violation of 49 CFR 172.202(a)(1). (030-17754/10-001-04)

The root cause of this violation appears to be a failure by Inberg to ensure that all field office personnel were trained on the requirements to have an updated identification number. In addition, an inadequate corporate audit program failed to identify the Department of Transportation shipping paper discrepancy at the field office level.

2.4.3.2 Hazardous Material Transportation Training

49 CFR 172.702 requires, in part, that each hazmat employer ensure that each of its hazmat employees is trained and tested in accordance with the requirements prescribed in Subpart H of 49 CFR Part 172. The prescribed hazmat training requirements are required initially and at least once every 3 years thereafter. On February 9, 2010, an Inberg employee transported a portable gauge on public highways without having received hazardous materials transportation training. This was identified as a violation of 49 CFR 172.702. (030-17754/10-001-05)

Similar to the gauge user training, the root cause of the violation was a failure to implement a consistent and effective training program across the entire organization. In addition, Inberg failed to identify users that had a need to use the gauges on an infrequent basis. Infrequent users require the same training as full-time gauge users. Also, there did not appear to be a system to account for individuals that were not able to participate in applicable corporate week training sessions.

2.5 Conclusions

The inspectors identified four violations during the inspection that are not being considered for escalated enforcement. The violations involved (1) a failure to perform a required leak test, (2) a failure to provide gauge user training, and Department of Transportation violations related to (3) shipping papers and (4) training.

3 **Escalated Enforcement Corrective Actions (87124 and 86740)**

3.1 Immediate

On January 21, 2010, Inberg installed a second hasp and lock on their portable gauge storage cabinet at their Cheyenne, Wyoming, field office. The second lock provided a second independent physical control to secure the gauge. The inspector verified the efficacy of the security enhancement prior to leaving the site.

Inberg informed the inspector that all other field offices were in compliance with the portable gauge security regulations. The NRC verified that two other storage locations in Casper and Riverton, Wyoming, were in compliance with the requirements of 10 CFR 30.34(i).

3.2 Long-Term

On March 10, 2010, Inberg ensured that all gauge users had received acceptable gauge user training prior to using the portable gauges. The licensee committed to provide adequate gauge user and hazardous material transportation training to the uncertified individuals that have a need to use the portable gauges.

On April 9, 2010, Inberg submitted a Long-Term Corrective Action Plan (Plan). The Plan included an overhauled employee-training plan for all workers and gauge users to include instruction on gauge security measures. The Plan also included a more extensive annual internal audit program of the main office and field offices. The audit would include a review of gauge storage measures, a review of security procedures, and retraining on securing the gauges for responsible gauge users.

4 **Non-Escalated Enforcement Corrective Actions**

Inberg ensured that all sealed sources in the portable gauges would be tested for leakage/contamination at the appropriate intervals. Field office managers will maintain a database of leak tests for gauges assigned to their office to prevent reoccurrence.

Inberg provided portable gauge training to those gauge users that had not been trained prior to the inspection. Inberg provided the records which indicated that gauge users that had not received the required training were now current. Inberg developed a tracking system to ensure that gauges users receive the required training in a timely manner.

The Department of Transportation violations were corrected. The licensee replaced the outdated shipping papers. They ensured that all field offices were using the current identification number on the shipping papers. Hazardous materials transportation training was updated at the same time as portable gauge user training, and it is now tracked in the same system.

5 Exit Meeting Summary

A preliminary exit briefing was conducted at the conclusion of the onsite inspection with Jeremy Hernandez, Executive Vice President, and Glen Bobnick, Radiation Safety Officer. A final telephonic exit briefing was conducted with Mr. Hernandez and other representatives of Inberg on May 10, 2010, to review the inspection findings as presented in this report. Mr. Hernandez acknowledged the inspector's findings. No proprietary information was identified.

PARTIAL LIST OF PERSONS CONTACTED

Licensee

Jeremy Hernandez, Executive Vice President
Glen Bobnick, Radiation Safety Officer
Larry Wright, Cheyenne Field Office
Derek Baker, Cheyenne Field Office
Matt Jensen, Cheyenne Field Office
Jason Klassen, Casper Field Office
Ben Hauser, Casper Field Office

INSPECTION PROCEDURES USED

87124 Fixed and Portable Nuclear Gauges
86740 Inspection of Transportation Activities

ITEMS OPENED, CLOSED, AND DISCUSSED

Opened

030-17754/10-001-01	VIO	A violation involving a failure to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.
030-17754/10-001-02	VIO	A violation involving the failure to have sealed sources tested for leakage at required intervals.
030-17754/10-001-03	VIO	A violation involving a failure to ensure that all gauge users received adequate gauge user training prior to using the portable gauge.
030-17754/10-001-04	VIO	A violation involving the failure to have the correct identification number on the Department of Transportation shipping papers.
030-17754/10-001-05	VIO	A violation involving the failure to ensure that gauge users received hazardous material transportation training prior to transporting radioactive material.

Closed

030-17754/05-002-01	VIO	A violation involving the failure to provide shipping papers during the transport of radioactive material.
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Discussed

No

NRC Information Notice 96-28