



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

August 11, 2010

ALLWEST Testing & Engineering, LLC
Mitchell Keith
Radiation Safety Officer
P.O. Box 3149
690 West Capstone Court
Hayden, Idaho 83835

SUBJECT: NRC INSPECTION REPORT 030-35139/2010-001 AND NOTICE OF VIOLATION

Dear Mr. Keith:

This refers to the inspection conducted at your facilities in Lewiston, Idaho, on July 20, 2010, Hayden, Idaho, on July 21, 2010, and at a temporary job site in Hayden, Idaho, on July 21, 2010, with continued in office review until August 6, 2010. The inspection was an examination of activities conducted under your license as they relate to safety 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 you at the conclusion of the onsite portion of the inspection on July 21, 2010. A final exit briefing was conducted with you on August 6, 2010.

Based on the results of this inspection, the NRC has determined that five Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited in the enclosed Notice of Violation (Notice). The violations are being cited in the Notice because they were identified by the NRC during the inspection.

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, its 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 NRC 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 regarding this letter or the enclosed Notice, please contact Mr. Jason Razo at (817) 276-6589 or the undersigned at (817) 860-8287.

Sincerely,

/RA/

Vivian H. Campbell, Chief
Nuclear Materials Safety Branch A

Docket: 030-35139
License: 11-27637-01

Enclosures:

1. Notice of Violation
2. Information Notice 96-28

cc w/Enclosure 1:

Idaho Radiation Control Program Director

ALLWEST Testing & Engineering, LLC - 3 -

bcc w/Enclosure 1 (via ADAMS distrib):

ECollins

AHowell

CLCain

VCampbell

JEWhitten

RITS Coordinator

NMSB-A

RIV Materials Docket File (5th Floor)

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ADAMS: ☐ No ☒ Yes	☒ SUNSI Review Complete	Reviewer Initials: JMR	
	☒ Publicly Available	☒ Non-Sensitive	
Category A.	☐ Non-publicly Available	☐ Sensitive	
KEYWORD: .			
MSB-A	C:MSB-A		
JMRazo	VHCampbell		
/RA/	/RA/		
08/06/2010	08/10/2010		

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NOTICE OF VIOLATION

ALLWEST Testing & Engineering, LLC
Hayden, Idaho

Docket: 030-35139
License: 11-27637-01

During an NRC inspection conducted from July 20 through August 6, 2010, five violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 17 of Amendment 07, Corrected Copy, to NRC Materials License 11-27637-01, states, in part, that each portable gauge or its container must be locked when in transport, storage, or when not under the surveillance of an authorized user.

Contrary to the above, on July 20, 2010, the licensee did not lock each portable gauge or its container when in transport, storage, or when not under the surveillance of an authorized user. Specifically, the licensee did not lock a portable gauge or its container when it was in storage at its Lewiston, Idaho, facility.

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

- B. 10 CFR 71.5(a) requires 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, or who delivers licensed material to a carrier for transport, shall comply with applicable Department of Transportation regulations in 49 CFR parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

1. 49 CFR 172.200(a) requires, with exceptions not applicable here, that each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner required by Subpart C of 49 CFR Part 172.

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 §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. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

Contrary to the above, on July 20, 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 Subpart C of 49 CFR Part 172. Specifically, the shipping paper that accompanied the July 20, 2010, shipment of a portable gauge did not include the correct identification number required for transportation of radioactive material Type-A package, special form non-fissile or fissile accepted, UN3332. The shipping paper included the identification number UN2974 instead of the identification number UN3332.

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

ENCLOSURE 1

2. 49 CFR 177.817(e) requires, in part, that the driver of a motor vehicle containing hazardous material ensure that the shipping paper required by 49 CFR 177.817(a) is readily available to, and recognizable by, authorities in the event of accident or inspection. Specifically, (1) when the driver is at the vehicle's controls, the shipping paper shall be: (a) within the driver's immediate reach while the driver is restrained by the lap belt; and (b) either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle; (2) when the driver is not at the vehicle's controls, the shipping paper shall be: (a) in a holder which is mounted to the side of the door on the driver's side of the vehicle; or (b) on the driver's seat in the vehicle. Pursuant to 49 CFR 172.101, radioactive material is classified as a hazardous material.

Contrary to the above, on July 21, 2010, the licensee's drivers of motor vehicles containing hazardous materials, failed to ensure that the shipping papers required by 49 CFR 177.817(a) were readily available to, and recognizable by, authorities in the event of an accident or inspection. Specifically, the licensee's driver did not have the required shipping documents readily available on their transport vehicle that arrived at the Hayden, Idaho, field office during the time of inspection after driving on public highways.

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

- C. License condition 21 of NRC Materials License 11-27637-01, Amendment 07, Corrected Copy, states, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, in the application dated July 14, 2009.

The July 14, 2009, application states, in part, that the licensee will follow the revised Appendix H, "Operating, Emergency, and Security Procedures" of NUREG-1556, Volume 1, Revision 1 and provide copies to all gauge users and at each job site.

1. The revised Appendix H, "Operating, Emergency, and Security Procedures" of NUREG-1556, Volume 1, Revision 1, states, in part, that the licensee will sign out the portable gauge in a log book (that remains at the storage location) including the dates of use, name of the authorized user who will be responsible for the portable gauge, and the temporary job site where the portable gauge will be used.

Contrary to the above, on July 21, 2010, the licensee failed to sign out the portable gauge in a log book (that remains at the storage location) including the dates of use, name of the authorized user who will be responsible for the portable gauge, and the temporary job site where the portable gauge will be used. Specifically, the licensee signed out portable gauge, serial number 2262, containing radioactive material for use at a temporary job site without including the correct date of use.

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

2. The revised Appendix H, "Operating, Emergency, and Security Procedures" of NUREG-1556, Volume 1, Revision 1, states, in part, that the licensee shall log the portable gauge into the daily use log when it is returned to storage.

Contrary to the above, on July 9, 2010, the licensee failed to log the portable gauge into the daily use log when it was returned to storage. Specifically, on July 21, 2010, the daily use log showed that portable gauge, serial number 8229, had been signed out on July 9, 2010. The portable gauge was in storage on July 21, 2010, however, the portable gauge was not logged into the daily use log when it was returned to storage on July 9, 2010.

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

Pursuant to the provisions of 10 CFR 2.201, ALLWEST Testing & Engineering, LLC, 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, 612 E. Lamar Blvd., Suite 400, Arlington, Texas, 76011, 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, and (4) the date when full compliance was, or 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 <http://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 August 2010