



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

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

November 1, 2010

PCA Engineering, Inc.  
ATTN: Bob Mayer  
Radiation Safety Officer  
P.O. Box 2185  
4506 Wigwam Blvd.  
Gillette, Wyoming

SUBJECT: NRC INSPECTION REPORT 030-32555/2010-001 AND NOTICE OF VIOLATION

**(Corrected Copy)**

Dear Mr. Mayer:

This refers to the inspection conducted on September 21, 2010, at a temporary jobsite along Highway 14N near Gillette, Wyoming. The inspection was an examination of activities conducted under byproduct material license 49-27418-01 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 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 on September 27, 2010.

Based on the results of this inspection, the NRC has determined that one violation of NRC requirements occurred. This violation involved the failure to wear dosimetry when using the portable gauge. This violation was evaluated in accordance with the NRC Enforcement Policy included on the NRC's website at [www.nrc.gov/about-nrc/regulatory/enforcement.html](http://www.nrc.gov/about-nrc/regulatory/enforcement.html). The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in the subject Notice. This violation is being cited in the Notice because it was identified by the NRC, rather than being self-identified by the licensee.

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, 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 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 concerning this inspection, please contact Mr. Larry Donovan at (817) 860-8140 or the undersigned at (817) 860-8287.

Sincerely,

***/RA James L. Thompson for/***

Vivian H. Campbell, Chief  
Nuclear Materials Safety Branch A

Docket No.: 030-32555  
License No.: 49-27418-01

Enclosures:

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

cc w/enclosure:  
Wyoming Radiation Control Program Director

bcc w/Enclosure 1 (via ADAMS distrib):

ECollins

ATHowell

CLCain

VHCampbell

JEWhitten

LDonovan

MHerrera

NMSB-A

RIV Materials Docket File (5<sup>th</sup> Floor)

SUNSI review completed: ADAMS: X Yes Initials: LD  
     Publicly Available      Non-Sensitive

<b>RIV:DNMS:NMSB-A</b>	<b>C:NMSB-A</b>
LDonovan	VHCampbell
<i>/RA/</i>	<i>/RA JLT for/</i>
11/01/10	11 /01/10

OFFICIAL RECORD COPY

T=Telephone E=E-mail

F=Fax

## NOTICE OF VIOLATION

PCA Engineering Inc.  
Gillette, Wyoming

Docket No. 030-32555  
License No.49-27416-01

During an NRC inspection conducted on September 21, 2010 a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License Condition 21 states, in part, that the licensee shall conduct its program in accordance with the statements, representations and procedures contained in the documents, including enclosures, listed below. Section A of license condition #21 identified the initial application dated February 28, 2002. In this initial application, the licensee committed to developing and implementing operating and emergency procedures in accordance with Appendix H of NUREG-1556 Volume 1 Revision 1. Appendix H of the NUREG has provisions that require personnel provided with dosimetry to always wear their assigned dosimetry when using the gauge.

Contrary to the above, on September 21, 2010 during an inspection at a temporary jobsite along Highway 14 N (mile marker 162) outside Gillette, Wyoming, an authorized user was not wearing dosimetry when using the gauge. The authorized user stated that the dosimetry had been left at the office.

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

Pursuant to the provisions of 10 CFR 2.201, PCA Engineering, Inc. 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, 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](http://www.nrc.gov/reading-rm/pdr.html) or [www.nrc.gov/reading-rm/adams.html](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

ENCLOSURE 1

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 1st day of November 2010.