



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

November 2, 2010

Terracon Consultants, Inc.
ATTN: Gary K. Bradley
Radiation Safety Officer
18001 W. 106th Street, Suite 300
Olathe, Kansas 66061

SUBJECT: NRC INSPECTION REPORT 030-32176/2010-002 AND NOTICE OF VIOLATION

Dear Mr. Bradley:

This refers to the inspection conducted at your facility in Great Falls, Montana, on September 20, 2010, with continued in office review until October 19, 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 telephonically with you at the conclusion of the onsite portion of the inspection on September 20, 2010. A final exit briefing was conducted telephonically with you on October 19, 2010.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. This violation involved the failure to sign portable nuclear gauges in and out of the storage location as required. The violation was 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 violation is cited in the enclosed Notice of Violation (Notice). The violation is being cited in the Notice because it was 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, 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 Jason Razo at (817) 276-6589 or the undersigned at (817) 860-8287.

Sincerely,

/RA James L. Thompson for/

Vivian H. Campbell, Chief
Nuclear Materials Safety Branch A

Docket: 030-32176
License: 15-27070-01

Enclosures:

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

cc w/Enclosure 1:
Montana Radiation Control Program Director
Kansas Radiation Control Program Director

Internal distribution via e-mail:

E. Collins, RA
 A. Howell, D:DNMS
 C. Cain, DD:DNMS
 V. Campbell C.DNMS/NMSB-A
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 M. Herrera, Fee Coordinator
 R4DNMS_MS-A

Hard Copy:

RIV Materials Docket File
 DNMS Secretarial File

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ADAMS: . No	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> SUNSI Review Complete	Reviewer Initials: JMR
		<input checked="" type="checkbox"/> Publicly Available	<input checked="" type="checkbox"/> Non-Sensitive
Category A.		Non-publicly Available	Sensitive
KEYWORD: .			
MSB-A	C:MSB-A		
JMRazo	VHCampbell		
/RA/	/RA JLT for/		
11/01/2010	11/01/2010		

OFFICIAL RECORD COPY

T=Telephone

E=E-mail

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NOTICE OF VIOLATION

Terracon Consultants, Inc.
Great Falls, Montana

Docket: 030-32176
License: 15-27070-01

During an NRC inspection conducted from September 20 through October 19, 2010, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License Condition 22 of NRC Materials License 15-27070-01, Amendment 34, 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 December 20, 2002.

The December 20, 2002, application states, in part, that the licensee will commit to develop, maintain, and implement procedures for the safe handling and use of radioactive material contained in portable moisture/density gauges.

Terracon's procedure entitled "Responsibility for Radiation Safety," Section C, subpart 2 states, in part, that each authorized user will sign gauges out each time they are removed from permanent storage, include the dates of use, name of the authorized user who will be responsible for the portable gauge, the proposed location of use, and the date on which the gauge was returned to storage.

Contrary to the above, on September 20, 2010, the licensee failed to sign gauges out each time they are removed from permanent storage, include the dates of use, name of the authorized user who will be responsible for the portable gauge, the proposed location of use, and the date on which the gauge was returned to storage. Specifically, at the time of the inspection, three of the five portable gauges were at temporary job sites. However, according to the sign out log, all five portable gauges were signed in to the permanent storage location.

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

Pursuant to the provisions of 10 CFR 2.201, Terracon Consultants, 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, 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 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.

ENCLOSURE 1

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 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 2nd day of November 2010