



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

December 14, 2010

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

SUBJECT: NRC INSPECTION REPORT 030-17754/2010-002 AND NOTICE OF VIOLATION

Dear Mr. Hernandez:

This refers to the inspection conducted on November 15-16, 2010, at your main office in Riverton, Wyoming and your field offices in Casper, Wyoming and Green River, Wyoming. The inspection was an examination of activities conducted under byproduct material license 49-19477-01 as it relates to safety and security, and compliance with the Commission's rules and regulations and with the conditions of the license and a follow-up for compliance associated with corrective actions as a result of escalated enforcement resulting from an inspection conducted in February of 2010. Within these areas, the inspection consisted of selected examination of records and interviews with personnel. Preliminary inspection findings were discussed with you and your staff at the conclusion of the onsite portion of the inspection. A final exit briefing was conducted with your Radiation Safety Officer, Mr. Glen Bobnick on December 7, 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 perform physical inventories at your Riverton main office and your Casper field office at the required six-month interval. 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/enforce-pol.html](http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.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 Ms. Martha Poston-Brown at (817) 860-8181 or the undersigned at (817) 860-8287.

Sincerely,

Vivian H. Campbell, Chief  
Nuclear Materials Safety Branch A

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

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  
 RJCaniano  
 CLCain  
 VHCampbell  
 JEWhitten  
 Mposton-Brown  
 Mherrera  
 NMSB-A  
 RIV Materials Docket File (5<sup>th</sup> Floor)

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ADAMS	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> SUNSI Rev Complete	Reviewer Initials:	MPB
Publicly Avail	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sensitive Value:	n/a	
MSB-A		C:MSB-A		
MPoston-Brown		VCampbell		
12/07/2010		12/13/2010		

OFFICIAL RECORD COPY

T=Telephone E=E-mail F=Fax

## NOTICE OF VIOLATION

Inberg Surveying Company Inc.  
Riverton, Wyoming

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

During an NRC inspection conducted on November 15-16, 2010, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License Condition 15 states, in part, that the licensee shall conduct a physical inventory every 6 months or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sources and/or devices received and possessed under the license.

Contrary to the above, on November 15, 2010, during an inspection at the Riverton main office, and on November 16, 2010, at the Casper field office, a review of records indicate that the licensee failed to perform a physical inventory of the gauges at these sites at the required six month frequency. A physical inventory was last performed as part of the annual leak tests conducted in January 2010.

This is a Severity Level IV violation (Violation Example 6.3.d.3).

Pursuant to the provisions of 10 CFR 2.201, Inberg Surveying Company, 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 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

ENCLOSURE

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 14<sup>th</sup> day of December 2010.