



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

December 28, 2010

PacifiCorp – Dave Johnston Plant
ATTN: Mr. Rick Tripp, Managing Director
1591 Tank Farm Road
Glenrock, Wyoming 82637

SUBJECT: NRC INSPECTION REPORT 030-36612/2010-001 AND NOTICE OF VIOLATION

Dear Mr. Tripp:

This refers to the inspection conducted on November 17, 2010, at your facility in Glenrock, Wyoming. The inspection was an examination of activities conducted under byproduct material License 49-27781-01 as it relates to safety and security and compliance with the Commission's rules and regulations and 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 you and your staff at the conclusion of the onsite portion of the inspection. A final exit briefing was conducted telephonically with you on December 9, 2010.

Based on the results of this inspection, the NRC has determined that four violations of NRC requirements occurred. These violations involved the failures to: (1) perform 6-month operability checks of the shutter, (2) perform 6-month leak tests of the sealed sources, (3) perform a 6-month physical inventory of the radioactive material, and (4) perform periodic (at least annually) audits of the radiation protection program. These violations were 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. These violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in the subject Notice. These violations are being cited in the Notice because they were 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, 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,

/RA/ by James L. Thompson for

Vivian H. Campbell, Chief
Nuclear Materials Safety Branch A

Docket: 030-36612
License: 49-27781-01

Enclosures:

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

cc w/enclosure:
Scott W. Ramsay
Wyoming Radiation Control Program Director
Radiological Services Supervisor
Wyoming Office of Homeland Security
2421 E. 7th Street
Cheyenne, WY 82001

Internal distribution via e-mail:

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ADAMS	☒ Yes ☐ No	☒ SUNSI Rev Complete	Reviewer Initials:	MRP-B
Publicly Avail	☒ Yes ☐ No	Sensitivity Value:	NA	
RIV:NMSB-A		C:NMSB-A		
MRPoston-Brown;dlf		VHCampbell		
/RA/		JLThompson for		
12/28/10		12/28/10		

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NOTICE OF VIOLATION

PacifiCorp – Dave Johnston Plant
Glenrock, Wyoming

Docket: 030-36612
License: 49-27781-01

During an NRC inspection conducted on November 17, 2010, four violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 13 of NRC materials License 49-27781-01, Amendment 02, states, in part, that sealed sources shall be tested for leakage and or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State.

The certification of registration for the Coal Analyzer (Thermo Gamma Metrics Cross Belt Elemental Analyzer SSDR # CA0305D106S) specifies a leak test frequency of 6 months.

Contrary to the above, as of November 17, 2010, the licensee failed to test sealed sources for leakage and or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State. Specifically, a test for leakage and or contamination on the sealed sources containing Cs-137 and Cf-252, was last performed on September 28, 2009, a period exceeding 6 months.

This is a Severity Level IV violation (Violation Example 6.7)

- B. License Condition 15 of NRC materials License 49-27781-01, Amendment 02, states, in part, that the licensee shall conduct a physical inventory every 6 months to account for all sealed sources and/or devices received and possessed under the license.

Contrary to the above, as of November 17, 2010, the licensee failed to conduct a physical inventory every 6 months to account for all sealed sources and/or devices received and possessed under the license. Specifically, the last physical inventory was conducted on September 29, 2009, a period exceeding 6 months.

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

- C. License Condition 16 of NRC materials license 49-27781-01, Amendment 02, states, in part, that each gauge shall be tested for proper operation of the on-off mechanism (shutter) and indicator, if any, at intervals not to exceed 6 months.

Contrary to the above, as of November 17, 2010, the licensee failed to test for proper operation of the on-off mechanism (shutter) and indicator at intervals not to exceed 6 months. Specifically, the last shutter tests were performed on September 29, 2009, a period exceeding 6 months.

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

- D. 10 CFR 20.1101(c) requires, in part, that the licensee periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, the licensee failed to periodically (at least annually) review the radiation protection program. Specifically, the licensee did not review the radiation protection program content and implementation in Calendar Year 2009.

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

Pursuant to the provisions of 10 CFR 2.201, PacifiCorp – Dave Johnston Plant 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, U.S. 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 or 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 2 working days.

Dated this 28th day of December 2010