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**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

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

January 25, 2011

EA-10-176

Susan Fraser, President/CEO  
High Mountain Inspection Service, Inc.  
P.O. Box 1508  
Mills, WY 82644-1508

**SUBJECT: NRC INSPECTION REPORT 030-33887/2009-001 AND INVESTIGATION  
REPORT 4-2009-064**

Dear Ms. Fraser:

This refers to the routine unannounced inspection that was initiated on June 2, 2009, with continued in-office review through January 21, 2011. On-site inspections were conducted at the High Mountain Inspection, Inc., corporate office in Casper, Wyoming, and at several temporary job sites in Evanston and Rock Springs, Wyoming. Preliminary inspection findings were discussed with Mr. Kevin MacManus, Radiation Safety Officer, at the conclusion of each on-site inspection. These inspections examined activities conducted under your license as they relate to radiation safety and security and to compliance with the Commission's rules and regulations, as well as the conditions of your NRC license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of activities, and interviews with personnel. In addition, an investigation was conducted by the NRC's Office of Investigations. The results of the investigation by the Office of Investigations are presented in a factual summary in Enclosure 3.

On July 1, 2009, during a telephone conversation between members of my staff and Mr. MacManus, preliminary inspection findings were discussed. During that conversation, we informed you that we would be issuing a Confirmatory Action Letter to you requesting that High Mountain Inspection, Inc., take specific actions to address NRC's concerns regarding the licensee's ability to comply with Commission requirements and resolution of these concerns. Confirmatory Action Letter 4-09-001 was issued to you on July 2, 2009. Your responses to Confirmatory Action Letter 4-09-001, in letters dated July 13, 2009 (ML102940160), August 7, 2009 (ML102940121), August 18, 2009 (ML092710389), and October 21, 2010 (ML102940244), were reviewed and found to adequately address our concerns; therefore, this Confirmatory Action Letter is considered closed. A final exit meeting was conducted telephonically with Mr. MacManus and you on January 21, 2011. The enclosed report presents the results of this inspection.

**“Enclosure 2 transmitted herewith contains SUNSI. When separated from Enclosure 2, this transmittal document and Enclosures 1, 3, 4, and 5 are decontrolled.”**

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Based on the results of this inspection, apparent violations were identified and are being considered for escalated enforcement action in accordance with the NRC's Enforcement Policy. The current Enforcement Policy is included on the NRC's web site at [www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html](http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html). The apparent violations involved the failure to comply with NRC's security-related regulations, the failure to make timely notifications of new storage locations as required by 10 CFR 34.101(c), and the failure to conduct a public dose assessment in unrestricted areas at the Casper, Wyoming, corporate office location. The apparent violations of NRC security requirements are described in Enclosure 2 to this letter. (The enclosure includes security-related information; therefore, it is not publicly available.) Since the NRC has not made a final determination in this matter, a Notice of Violation is not being issued for these inspection findings at this time. In addition, please be advised that the number and characterization of the apparent violations described in the enclosed inspection report may change as a result of further NRC review.

A closed predecisional enforcement conference to discuss these apparent violations has been scheduled for March 8, 2011, in the NRC's Region IV office in Arlington, Texas. An agenda for the conference is enclosed as Enclosure 4.

The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that an enforcement action will be taken. This conference is being held to obtain information to assist the NRC in making an enforcement decision. This may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned to be taken. The conference will provide an opportunity for you to provide your perspective on these matters and any other information that you believe the NRC should take into consideration in making an enforcement decision. In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violation. The guidance in the enclosed NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful.

You will be advised by separate correspondence of the results of our deliberations on this matter. A response to the apparent violations is not required at this time.

Enclosure 2 contains security-related information; its disclosure to unauthorized individuals could present a security vulnerability. Therefore, it will not be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's document system (ADAMS). This letter and its enclosures must be protected from unauthorized disclosure in accordance with Section IC 6 of Attachment B to NRC Order EA 05-090. Security-Related Information is also discussed in Regulatory Information Summary RIS-2005-031, "Control of Security-Related Sensitive Unclassified Non-Safeguards Information" (ML053480073), which is available on the NRC's web site at <http://www.nrc.gov/reading-rm/adams.html>.

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EA-10-176

If you have any questions concerning this letter or the enclosed report, please contact Ms. Vivian Campbell of my staff at 817-860-8287.

Sincerely,

*/RA/*

Roy J. Caniano, Director  
Division of Nuclear Materials Safety

Docket: 030-33887  
License: 49-26808-02

Enclosures:

1. NRC Inspection  
Report 030-33887/2009-001
2. Security Related Information –  
Non-public
3. Factual Summary of the Office of  
Investigations Report 4-2009-064
4. Predecisional Enforcement  
Conference Agenda
5. NRC Information Notice 96-28

cc (w/Enclosure 1):  
Scott W. Ramsay  
Radiological Services Supervisor  
Wyoming Office of Homeland Security  
2421 E. 7<sup>th</sup> Street  
Cheyenne, WY 82001

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EA-10-176

Internal distribution w/enclosures (via e-mail):

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<a href="mailto:Victor.Dricks@nrc.gov">Victor.Dricks@nrc.gov</a>	<a href="mailto:Randy.Erickson@nrc.gov">Randy.Erickson@nrc.gov</a>	<a href="mailto:Leelavathi.Sreenivas@nrc.gov">Leelavathi.Sreenivas@nrc.gov</a>
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<a href="mailto:Vivian.Campbell@nrc.gov">Vivian.Campbell@nrc.gov</a>	<a href="mailto:Marisa.Herrera@nrc.gov">Marisa.Herrera@nrc.gov</a>	<a href="mailto:Christian.Einberg@nrc.gov">Christian.Einberg@nrc.gov</a>
<a href="mailto:Jack.Whitten@nrc.gov">Jack.Whitten@nrc.gov</a>	<a href="mailto:Michele.Burgess@nrc.gov">Michele.Burgess@nrc.gov</a>	<a href="mailto:Glenda.Villamar@nrc.gov">Glenda.Villamar@nrc.gov</a>
<a href="mailto:Denise.Freeman@nrc.gov">Denise.Freeman@nrc.gov</a>	<a href="mailto:Crystal.Holland@nrc.gov">Crystal.Holland@nrc.gov</a>	<a href="mailto:Duane.White@nrc.gov">Duane.White@nrc.gov</a>
<a href="mailto:Sue.Trifiletti@nrc.gov">Sue.Trifiletti@nrc.gov</a>	<a href="mailto:Carolyn.Faria-Ocasio@nrc.gov">Carolyn.Faria-Ocasio@nrc.gov</a>	
<a href="mailto:Robert.Lewis@nrc.gov">Robert.Lewis@nrc.gov</a>		
<a href="mailto:Mark.mullem@nrc.gov">Mark.mullem@nrc.gov</a>		

Hard copy:  
RIV Materials Docket File  
DNMS Secretarial Area File

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Sensitivity: MD3.4 Nonpublic A.3 EA-10-176 HM_IR09-01-vivian				
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LDonovan	VHCampbell	CMaier	KDFuller	RJCaniano
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1/7/2011	1/7/2011	1/12/2011	1/20/2011	1/25/2011

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U.S. NUCLEAR REGULATORY COMMISSION  
REGION IV

Docket: 030-33887

License: 49-26808-02

Report: 030-33887/2009-001

EA No: 10-176

Licensee: High Mountain Inspection Service, Inc.

Locations: Corporate Office, Casper, Wyoming  
Temporary Job Sites, Rock Springs and Evanston, Wyoming

Dates: June 2, 2009, through January 21, 2011

Inspector: Lawrence Donovan, Health Physicist  
Nuclear Materials Safety Branch A

Approved By: Vivian H. Campbell, Chief  
Nuclear Materials Safety Branch A

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## EXECUTIVE SUMMARY

High Mountain Inspection Service, Inc.  
NRC Inspection Report 030-33887/2009-001

This was an unannounced inspection of licensed activities involving the use of byproduct material for industrial radiography at the licensee's corporate office in Casper, Wyoming, and at temporary job sites in Evanston and Rock Springs, Wyoming. The scope of the inspections included a review of records maintained at the corporate office and at the temporary job sites, as well as discussions with licensee personnel at the temporary job sites on June 29-30, 2009, and the radiation safety officer (RSO) in Casper, Wyoming, on June 2, 2009. Additionally, an investigation was performed by the NRC's Office of Investigations. This report describes the findings of the inspection and investigation.

### Program Overview

High Mountain Inspection Service, Inc., is a large nondestructive testing company with its main office located in Casper, Wyoming, and field offices in Rock Springs, Evanston and Green River, Wyoming. High Mountain Inspection Service, Inc., is authorized to conduct industrial radiographic operations under NRC Materials License 49-26808-02. At the time of the temporary job site inspections on June 29 in Evanston, Wyoming, and June 30 in Rock Springs, Wyoming, licensee personnel were storing the radiographic exposure devices in the transportation vehicles at their personal residences. (Section 1)

### Apparent Violations Considered for Escalated Enforcement

The licensee failed to comply with NRC's security requirements. (Enclosure 2 – contains security information and will not be made publicly available.)

### Apparent Violations Considered for Non- Escalated Enforcement

- The licensee failed to conduct a public dose assessment at its corporate office in Casper, Wyoming, where radiographic exposure devices were stored. This was identified as an apparent violation of 10 CFR 20.1302. (Section 2.2)
- The licensee failed to notify the NRC of storage locations where they stored radioactive material for periods exceeding 180 days in a calendar year, as required by 10 CFR 34.101(c). (Section 2.2)

### Corrective Actions

- On June 8, 2009, the licensee submitted a public dose assessment (ML102940146), demonstrating that radioactive material is stored at its corporate office in such a way that members of the public will not exceed the annual dose limit in 10 CFR 20.1301. (Section 3)
- On July 13, 2009, the RSO submitted notification (ML102940160) to the NRC identifying locations where material had been, or would be, stored for periods exceeding 180 days in a calendar year, as required under 10 CFR 34.101(c). The licensee also requested that these locations be added to the NRC license as field stations. (Section 3)

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## REPORT DETAILS

### 1. **Program Overview (87121)**

#### 1.1 Inspection Scope

The inspector reviewed the NRC license and correspondence, statements, representations and procedures provided by the licensee in support of their application for the license. The inspector reviewed records maintained by the licensee and interviewed licensee personnel. Collectively, these items encompass the scope of the inspections performed at the licensee's main office located in Casper, Wyoming, and at the temporary job sites in Evanston, Wyoming, on June 29, 2009, and in Rock Springs, Wyoming, on June 30, 2009.

#### 1.2 Observations and Findings

High Mountain Inspection Service, Inc., is authorized under NRC Materials License 49-26808-02 to possess and use byproduct material for industrial radiographic operations at locations specified on the license and at temporary job sites in the United States where the NRC maintains jurisdiction for regulating the use of byproduct material. At the time of the main office inspection, the licensee was storing material at the office in Casper, Wyoming. At the time of the temporary job site inspections, the licensee was storing licensed material in the transportation vehicle parked at radiographic personnel residences.

### 2. **Inspection Findings (87121)**

#### 2.1 Inspection Scope

The inspection included a review of selected licensee records maintained at the corporate office and the records required to be available for review at temporary job sites pursuant to 10 CFR 34.89. Interviews were conducted with the corporate radiation safety officer (RSO) on June 2, 2009, and with the radiographers who were assigned to work at temporary job sites in Evanston and Rock Springs, Wyoming, on June 29-30, 2009.

#### 2.2 Observations and Findings

##### **Apparent Violation of 10 CFR 20.1302**

10 CFR 20.1301(a)(1) requires, in part, that licensees shall conduct operations so that the total effective dose equivalent to individual members of the public from the licensed operations does not exceed 0.1 rem (1 mSv) in a year.

10 CFR 20.1302(b)(1) requires that the licensee shall show compliance with the annual dose limit in 10 CFR 20.1301 by demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed operation does not exceed the annual dose limit.

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On June 2, 2009, the inspector found that the licensee was storing 32 radiographic exposure devices containing various quantities of iridium-192 in their permanent storage vault located at the main office in Casper, Wyoming. The inspector performed independent surveys of unrestricted areas adjacent to the storage vault where licensee personnel, who were not radiation workers (members of the public), would frequent. The survey revealed radiation levels at 0.12 mR/hr, which was above background. On the basis of discussions with the RSO, the inspector determined that the licensee had not demonstrated that licensed operations, including storage of the material, were conducted so that individual members of the public would not receive a dose exceeding 0.1 rem (1 mSv) in a year. The failure of the licensee to conduct a public dose assessment was identified as an apparent violation of 10 CFR 20.1302(b)(1). (030-33887/09001-01)

### **Apparent Violation of 10 CFR 34.101 (c)**

10 CFR 34.101(c) requires, in part, that any licensee conducting radiographic operations or storing radioactive material at any location not listed on the license for a period in excess of 180 days in a calendar year, shall notify the NRC regional office prior to exceeding the 180 days.

On July 2, 2009, the NRC issued a Confirmatory Action Letter to the licensee based on observations made by the inspector during temporary job site inspections on June 29 at 343 Alpine Circle, Evanston, Wyoming, and on June 30 at 105B College Court, Rock Springs, Wyoming. Condition 4 of the Confirmatory Action Letter stated that High Mountain Inspection Service, Inc., would confirm, in writing, that it had made the notifications to the NRC as required in 10 CFR 34.101(c).

On July 13, 2009, the licensee responded to Condition 4 of the Confirmatory Action Letter (ML102940160). The RSO notified the NRC that radioactive material was being stored in the portable darkrooms on the back of the transportation vehicles at the following locations:

- 1) 343 Alpine Circle, Evanston, Wyoming, for a period of 7 months;
- 2) 360 Washington Avenue, Green River, Wyoming, for a period of 14 months;
- 3) 104A College Court, Rock Springs, Wyoming, since 2005;
- 4) 105B College Court, Rock Springs, Wyoming, since 2003; and
- 5) 2884 Yellowcreek Road, #104, Evanston, Wyoming, since June 2009.

At the time of the inspection, none of these locations were identified on the NRC license, and material had been stored at these locations for periods exceeding 180 days. The licensee had not notified the NRC that it was storing material at these locations. This was identified as an apparent violation of 10 CFR 34.101(c). (030-33887/09001-02)

### 2.3 Conclusions

The inspection identified an apparent violation involving the licensee's failure to conduct a public dose assessment to demonstrate that licensed operations, including storage of the material at their main office in Casper, Wyoming, were conducted so that the total effective dose equivalent to individual members of the public would not exceed 0.1 rem

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(1 mSv) in a year. In addition, the inspection identified four examples of an apparent violation involving the failure to notify the NRC of conducting radiographic operations or storing radioactive material prior to exceeding 180 days in a calendar year at any location not listed on the license.

**3. Corrective Actions (87121)**

The licensee performed a public dose assessment on June 8, 2009, at their permanent storage location in Casper, Wyoming. The assessment demonstrated that the total effective dose equivalent to individual members of the public, from the conduct of operations at this site (storage of 32 radiographic exposure devices), would not exceed the annual dose limit found in 10 CFR 20.1301 (ML102940146).

The RSO sent a notification to the NRC on July 13, 2009, (ML102940160) identifying five locations where material had been or would be stored for periods exceeding 180 days in a calendar year, as required by 10 CFR 34.101(c). At the request of the licensee, these operating locations were added to NRC Materials License 49-26808-02, issued on September 29, 2009.

**4. Exit Meeting Summary (87121)**

A preliminary exit briefing was conducted with the Mr. Kevin MacManus, the RSO, by telephone at the conclusion of the corporate office inspection in Casper, Wyoming, on June 2, 2009. Precursory exit briefings were conducted with the Mr. MacManus after the temporary job site inspections on June 29 and June 30, 2009. A final telephonic exit briefing was conducted with the Ms. Susan Fraser, President and Mr. MacManus on January 21, 2011, to discuss the findings presented in this report. The licensee acknowledged the inspector's findings. No proprietary information was identified.

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PARTIAL LIST OF PERSONS CONTACTED

Licensee

Susan Fraser, President/CEO  
Kevin MacManus, Corporate RSO  
Ed Moxley, Assistant RSO  
Justin Dunning, Radiographer (Evanston Wyoming)  
Chris Johnson, Radiographer (Evanston Wyoming)  
Richard Howell, Radiographer (Rock Springs, Wyoming)  
Michael Grothaus, Radiographer (Rock Springs, Wyoming)  
Brian Markowski, Assistant Radiographer (Rock Springs, Wyoming)  
Charles Heyden, Radiographer (Rock Springs, Wyoming),

INSPECTION PROCEDURE USED

87121 Industrial Radiography Programs

ITEMS OPENED, CLOSED, AND DISCUSSED

Opened

030-33887/09001-01	APV	An apparent violation involving the failure to conduct a public dose assessment to show compliance with the annual dose limit in 10 CFR 20.1301.
030-33887/09001-02	APV	An apparent violation involving the failure to make notifications pursuant to 10 CFR 34.101 (c).

Closed

None

Discussed

None

LIST OF ACRONYMS USED

APV	Apparent Violation
CFR	Code of Federal Regulations
EA	Enforcement Action
NRC	Nuclear Regulatory Commission
RSO	Radiation Safety Officer

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PARTIAL LIST OF PERSONS CONTACTED

Licensee

Susan Fraser, President/CEO  
Kevin MacManus, Corporate RSO  
Ed Moxley, Assistant RSO  
Justin Dunning, Radiographer (Evanston Wyoming)  
Chris Johnson, Radiographer (Evanston Wyoming)  
Richard Howell, Radiographer (Rock Springs, Wyoming)  
Michael Grothaus, Radiographer (Rock Springs, Wyoming)  
Brian Markowski, Assistant Radiographer (Rock Springs, Wyoming)  
Charles Heyden, Radiographer (Rock Springs, Wyoming)

INSPECTION PROCEDURES USED

TI-2800/038-01      Inspection of the Implementation of Increased Controls for Licensees  
Authorized to Possess Radioactive Material in Quantities of Concern

87121                Industrial Radiography Programs

ITEMS OPENED, CLOSED, AND DISCUSSED

Opened

030-33887/09001-03	APV	An apparent violation involving the failure to have a dependable means to transmit information between, and among the various components used to detect and identify an unauthorized intrusion, to inform the assessor and to summon the appropriate responder.
030-33887/09001-04	APV	An apparent violation involving the failure to utilize a method to disable the vehicle or trailer when not under the direct control and constant surveillance by the licensee

Closed

None

Discussed

None

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LIST OF ACRONYMS USED

APV	Apparent Violation
CFR	Code of Federal Regulations
EA	Enforcement Action
IC	Increased Controls
NRC	Nuclear Regulatory Commission
RSO	Radiation Safety Officer

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**FACTUAL SUMMARY  
OFFICE OF INVESTIGATIONS REPORT 4-2009-064**

This investigation was initiated by the United States Nuclear Regulatory Commission's (NRC) Office of Investigations, Region IV, on August 19, 2009, to determine if High Mountain Inspection Service, Inc., personnel willfully violated NRC requirements by failing to comply with an NRC Order Imposing Increased Controls, failing to report temporary storage locations of licensed materials to the NRC, and failing to perform field audits, as required.

Based on the evidence developed during this investigation, the allegations that employees of High Mountain Inspection Service, Inc., willfully failed to comply with an NRC Order Imposing Increased Controls, failed to report temporary storage locations of licensed materials to the NRC, and failed to perform field audits as required were not substantiated.

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PREDECISIONAL ENFORCEMENT CONFERENCE AGENDA

HIGH MOUNTAIN INSPECTION SERVICE, INC.

March 8, 2011

1:00 p.m.

US NRC REGION IV

ARLINGTON, TEXAS

1. INTRODUCTIONS/OPENING REMARKS --  
ROY J.CANIANO, DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY
2. ENFORCEMENT PROCESS --  
CHRISTI MAIER, ENFORCEMENT SPECIALIST
3. APPARENT VIOLATIONS & REGULATORY CONCERNS --  
VIVIAN CAMPBELL, CHIEF, NUCLEAR MATERIALS SAFETY BRANCH A
4. LICENSEE PRESENTATION --  
HIGH MOUNTAIN INSPECTION SERVICE, INC., MANAGEMENT
5. BREAK - 10 MINUTES
6. RESUMPTION OF CONFERENCE
7. CLOSING REMARKS --  
HIGH MOUNTAIN INSPECTION SERVICE, INC., MANAGEMENT
8. CLOSING REMARKS --  
ROY J. CANIANO, DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY

ENCLOSURE 4

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