

June 24, 2011

Mr. Larry Phillips, President
Marshall Lab Services
913 N. Odell Ave.
P.O. Box 130
Marshall, MO 65340

SUBJECT: TELEPHONE INTERVIEW TO EVALUATE THE RADIATION SAFETY
PROGRAM AND NOTICE OF VIOLATION – MARSHALL LAB SERVICES

Dear Mr. Phillips:

On May 12, 2011, with continued in-office review through May 31, 2011, the U.S. Nuclear Regulatory Commission (NRC) conducted a telephone interview with your staff, concerning licensed activities at Marshall Lab Services. The NRC inspector held a telephone exit meeting on June 1, 2011.

The purpose of this interview was to examine activities conducted under your license as they relate to public health and safety and to confirm compliance with the Commission's rules and regulations and with the conditions of your license.

Based on the results of this interview, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. This 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 concerned the failure to have the current radiation protection officer (RPO) specifically named on your license. Condition No. 12 of your NRC license lists your RPO as Keith Combs. According to your staff, Mr. Combs left the company approximately five years ago in 2006 and Ms. Lisa Wade has been performing the duties of the RPO since then. As corrective action, you submitted an amendment request to the NRC dated June 6, 2011, to change the RPO listed on the license to Lisa Wade. The root cause of the violation was that the licensee had not realized that such notification was required. The violation is being cited in the Notice because it was identified by the inspector rather than being identified by Marshall Lab Services Staff.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance will be achieved is already adequately addressed on the docket in this letter.

L. Phillips

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Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with Title 10 of the Code of Federal Regulations (10 CFR), Section 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the Public without redaction.

Sincerely,

/RA/

Tamara E. Bloomer, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-17631
License No. 24-20003-01

Enclosure:
Notice of Violation

cc w/encl: Lisa Wade, Radiation Protection Officer
State of Missouri

L. Phillips

-2-

Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

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/RA/

Tamara E. Bloomer, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-17631
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Enclosure:
Notice of Violation

cc w/encl: Lisa Wade, Radiation Protection Officer
State of Missouri

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NOTICE OF VIOLATION

Marshall Lab Services
Marshall, Missouri

Docket No. 030-17631
License No. 24-20003-01

During a U.S. Nuclear Regulatory Commission (NRC) telephone interview conducted on May 12, 2011, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

NRC License No. 24-20003-01, Condition No. 12, states that the radiation protection officer (RPO) for this license is Keith Combs.

Contrary to the above, as of 2006, the RPO listed on this license was not the named individual.

This is a Severity Level IV violation (Section 6.3).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance will be achieved, is already adequately addressed on the docket in the letter transmitting this Notice of Violation (Notice). However, you are required to submit a written statement or explanation pursuant to Title 10 of the Code of Federal Regulations (CFR) 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 24th day of June 2011.

Enclosure