



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

June 29, 2011

Mr. H. Dale Snowder,
President
Qal-Tek Associates, LLC
3998 Commerce Circle
Idaho Falls, Idaho 83401

SUBJECT: NRC INSPECTION REPORT NO. 030-34866/2011-002 AND NOTICE OF VIOLATION

Dear Mr. Snowder:

This refers to the inspection conducted on April 13, 2011, at your facility in Idaho Falls, Idaho with an office review until June 9, 2011. During this inspection, the NRC staff examined activities conducted under your license as they relate to public health and safety to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. Preliminary inspection findings were discussed with you at the conclusion of the onsite inspection on April 13, 2011. A final exit briefing was conducted telephonically with your staff on June 17, 2011.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation involves the licensee's failure to perform leak tests of alpha emitting sources. 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).

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. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Based on the results of this inspection, the NRC also has determined that one additional Severity Level IV violation of NRC requirements occurred. During the course of the inspection, it was identified that the Radiation Safety Officer performed an annual audit of the radiation safety program in accordance with the requirements of 10 CFR 20.1101(c) and identified that annual audits had not been conducted in 2009 or 2010. The RSO took immediate corrective action by incorporating a calendar for scheduling audits and assigned the responsibility for assisting with meeting the audit requirements to a specific employee.

Because the licensee identified the issue, took immediate corrective actions, and is implementing a process for ensuring future completion of audits, the NRC is exercising enforcement discretion to disposition this violation as a non-cited (NCV) in accordance with the Enforcement Policy. Future failure to conduct audits may be categorized as a cited violation and evaluated accordingly.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), 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 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 Anthony D. Gaines for/

Michael Vasquez, Chief
Nuclear Materials Safety Branch A

Docket No. 030-34866
License No. 11-27610-01

Enclosures:

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

cc w/enclosure 1:
Idaho Radiation Control Program Director

Internal distribution via email:

- E. Collins, RA
- A. Howell, DRA
- R. Caniano, D: DNMS
- V. Campbell, DD: DNMS
- C. Cain, DNMS
- M. Vasquez, C: DNMS/NMSB-A
- J. Whitten, C: DNMS/NMSB-B
- M. Herrera, Fee Coordinator
- R4DNMS_MA-A

Hard Copy:

- RIV Materials Docket File
- DNMS Secretarial File

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|----------------|---|----------------------|--------------------|-----|
| ADAMS | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | X SUNSI Rev Complete | Reviewer Initials: | MMH |
| Publicly Avail | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Sensitivity Value: | | |
| RIV:NMSB-A | RIV:DNMS | C:NMSB-A | | |
| MMHammond | CCain | MVasquez | | |
| <i>/RA/</i> | <i>/RA/</i> | <i>/RA ADG for/</i> | | |
| 6/17/11 | 6/27/11 | 6/29/11 | | |

OFFICIAL RECORD COPY

T=Telephone

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NOTICE OF VIOLATION

Qal-Tek Associates, LLC
Idaho Falls, ID

Docket No. 030-34866
License No. 11-27610-01

During an NRC inspection conducted on April 13, 2011, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License condition 15.B of NRC license 11-27610-01 Amendment 17, states in part, that sealed sources and detector cells designed to emit alpha particles shall be tested for leakage and/or contamination at intervals not to exceed 3 months.

Contrary to the above, leak tests for alpha emitting sources were not performed from July 13, 2010 to April 13, 2011, a period in excess of 3 months.

This is a Severity Level IV violation (Section 6.7).

Pursuant to the provisions of 10 CFR 2.201, Qal-Tek Associates, LLC 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 Web site at <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

Enclosure

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. If Classified Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR Part 95.

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

Dated this 29th day of June 2011