

# **ROZELL TESTING LABORATORIES, LLC**

**Engineering • Materials Testing • Weld Inspection • NDT**

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August 19, 2011

**U. S. Nuclear Regulatory Commission**

**Attn: Document Control Desk**

Washington, DC 20555-0001

Re: Reply to a Notice of Violation  
Rozell Testing Laboratories, LLC - License No. 24-32438-01

To Whom It May Concern:

The purpose of this letter is to reply to the Notice of Violation dated July 22, 2011. Each violation cited in the NOV is listed below followed by the required responses. Rozell Testing Laboratories, LLC will be identified as RTL in the following responses.

**A. The licensee possessed one portable moisture density gauge at a location not authorized by the license.**

- 1) The reason for the violation is that RTL moved to a new facility without contacting the U.S. NRC beforehand to modify our license.
- 2) The corrective steps that have been taken include a request that was sent to the U.S. NRC requesting our license be updated to include the new facility.
- 3) The corrective steps that will be taken in the future include contacting the U.S. NRC to modify our license prior to moving to a new facility.
- 4) The request to update the license was made on May 13, 2011. The U.S. NRC revised our license to include the new address on May 19, 2011.
- 5) The NOV will act as a reminder to RTL to contact the U.S. NRC prior to moving in the future. RTL will perform annual radiation protection program reviews which include ensuring all activities are in compliance with our license requirements.

**B. The licensee failed to test a portable moisture density gauge for leakage in intervals not exceeding 12 months.**

- 1) The reason for the violation is that personnel tasked with the responsibility of monitoring the performance of the leak tests no longer work for RTL due to downsizing. RTL recognizes that the RSO is ultimately responsible to ensure these tests are performed.

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- 2) The corrective steps that have been taken include performing the required leak test.
- 3) The corrective steps that will be taken in the future include performing the required leak tests annually.
- 4) The required sample was taken on July 3, 2011. The sample was sent to Troxler Laboratories for analysis which was performed on July 18, 2011. Refer to the attached Leak Test Certificate provided by Troxler Laboratories.
- 5) RTL will perform annual radiation protection program reviews to ensure leak tests are performed annually.

**C.1. The licensee did not provide all required training for its hazmat employees.**

- 1) The reason for the violation is that RTL did not ensure employees received recurrent training at least once every three years as required by the Department of Transportation.
- 2) Corrective steps that have been taken include researching where and when this training may be received.
- 3) The corrective steps that will be taken include ensuring RTL employees receive the required DOT hazmat training.
- 4) The date when full compliance will be achieved is expected to occur within 60 days of this letter.
- 5) RTL will perform annual radiation protection program reviews to ensure employees are properly trained in accordance with our license requirements.

**C.2. The licensee transported a portable moisture density gauge without a shipping paper.**

- 1) The reason for the violation is that the vehicle always used to transport the gauge was in the repair shop. The required paperwork was not transferred when a different vehicle was used to transport the gauge to a job site.
- 2) The corrective steps that have been taken include transferring the paperwork to the new vehicle.
- 3) The corrective steps that will be taken in the future include making sure that the required paperwork is always in the vehicle with the gauge.

4) The required paperwork was placed in the new vehicle after it was brought to our attention by the NRC inspector.

5) The required paperwork was always kept in the same vehicle used to transport the gauge. The NOV will act as a reminder to RTL in the future that the paperwork must be moved if different vehicles are used.

**C.3. The licensee transported a portable moisture density gauge and did not comply with the applicable labeling and marking requirements.**

1) The reason for the violation is that the required labels were originally on the gauge; however, over time and use they fell off.

2) The corrective steps that have been taken include placing the required labels on the gauge.

3) The corrective steps that will be taken in the future including periodic inspections to make sure the required labels are in place.

4) The required labels were placed on the gauge after it was brought to our attention by the NRC inspector.

5) RTL will perform periodic inspections of the gauge to ensure the required labels are in place. Annual radiation protection program reviews will be instituted which include inspecting the gauge to ensure all required labels are in place.

**D. The licensee did not perform annual reviews of their radiation protection program.**

1) The reason for the violation is that RTL was not aware that annual radiation protection program reviews were a requirement of our license. As mentioned previously, RTL personnel tasked with some of the management responsibilities no longer work for RTL due to downsizing. When those persons left, these tasks were not taken on by other employees or the RSO as they should have been.

2) The corrective steps that have been taken include instituting annual radiation protection program reviews as part of our business operations.

3) The corrective steps that will be taken include performing the annual radiation protection program reviews.

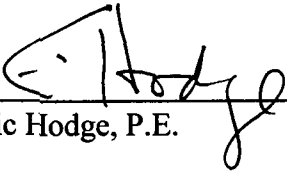
4) The NOV has already initiated RTL to review our radiation protection program.

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5) The NOV has brought to our attention several deficiencies in the management of our portable moisture density gauge and the administration of our license in general. The NOV has also reminded us of the seriousness with which the U.S. NRC oversees the licensees. It is our desire to fully comply with all aspects of our license to ensure any future audits of our program do not result in a single violation. RTL will use annual radiation protection program reviews to monitor proper use of the gauge and verify compliance with our license requirements.

Sincerely,

**Rozell Testing Laboratories, LLC**



Eric Hodge, P.E.

**Troxler Electronic Laboratories, Inc.**

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BRANSON, MO 65616

Cust ID: 12197

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**LEAK TEST CERTIFICATE**

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**DEVICE:**

Model: 3440

Serial No: 35833

**SEALED SOURCES:**

Serial No.	Measure Date	Nuclide	GBq	mCi
77-2938	07/01/2004	Cs-137	0.296	8
78-810	07/07/2004	Am-241:Be	1.48	40

**LEAK TEST ANALYSIS:**

Sample collected on: 07/03/2011

Sample analyzed on: 07/18/2011 1:58:29 PM Position: 17

Analyzed by: D. Rose

	ALPHA	BETA-GAMMA
Conversion factor (cpm/Bq)	1.22E+01	1.95E+01
Background measurement (cpm)	2	27
Sample measurement (cpm)	0	33
Activity (Bq)	< MDA	< MDA
Min. Detectable Activity (Bq)	7.2E-01	1.4E+00

**This certifies that the leak test results are:**☒ Less than 185 Bq (0.005 uCi)☐ Greater than 185 Bq (0.005 uCi)