



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

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

September 6, 2011

Indo American Engineering, Inc.  
ATTN: Danish P. Sheth, Radiation Safety Officer  
P.O. Box 1813  
Rock Springs, Wyoming 82902-1813

SUBJECT: NRC INSPECTION REPORT 030-35704/2011-001 AND NOTICE OF VIOLATION

Dear Mr. Sheth:

This refers to the inspection conducted at your facility in Rock Springs, Wyoming, on June 06, 2011. The inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of the license. Within these areas, the inspection consisted of selected examination of procedures and representative records and interviews with personnel. A preliminary exit briefing was conducted with you at the conclusion of the on-site inspection. I conducted a final exit briefing with you on September 2, 2011.

Based on the results of this inspection, the NRC has determined that seven violations of NRC requirements occurred. These violations include failures to: (1) failure to lock the gauges or their containers when in storage; (2) shipping papers did not contain the correct identification number as required by Department of Transportation; (3) shipping papers did not contain a valid phone number for emergency contact; (4) provide initial training for one employee and recurrent training every three years for another (this is a repeat violation); (5) perform a review of the radiation protection program at least annually; (6) provide radiation safety training to an employee; and develop, and (7) implement and maintain "Operating and Emergency Procedures that contain the criteria in NUREG 1556 Volume 1 dated May 1997. These violations were evaluated in accordance with the NRC Enforcement Policy and categorized at Severity Level IV. 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 violations are cited in the enclosed Notice of Violation (Notice) because they were identified by the NRC, rather than 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, an excerpt from 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.

From the number and types of violations, we are concerned that more management attention is needed to ensure your radiation safety program is implemented appropriately and in compliance

with NRC requirements. Our 2006 inspection identified four Severity Level IV violations, and two of those violations were identified as repeat violations during this current inspection. In our letter to you dated June 14, 2006, which provided a copy of Amendment No. 1 to your license, we stated, "NRC expects licensees to conduct their programs with meticulous attention to detail and a high standard of compliance. Because of the serious consequences to employees and the public that can result from failure to comply with NRC requirements, you must conduct your radiation safety program according to the conditions of your NRC license, representations made in your license application, and NRC regulations." Accordingly, we request that in your response to the Notice of Violation, you provide information about how you will provide additional management oversight to ensure these violations are corrected and to ensure your radiation safety program meets NRC 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 Rick Muñoz at (817) 860-8220 or the undersigned at (817) 860-8130.

Sincerely,

*/RA/*

G. Michael Vasquez, Chief  
Nuclear Materials Safety Branch A

Docket: 030-35704  
License: 49-27701-01

Enclosures:

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

cc w/Enclosure 1:

Wyoming Radiation Control Program Director

Internal distribution via e-mail:

E. Collins, RA

R. Caniano, D: DNMS

M. Vasquez C: DNMS/NMSB-A

J. Whitten, C: DNMS/NMSB-B

M. Herrera, Fee Coordinator

R4DNMS\_MS-A

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RIV Materials Docket File

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KEYWORD: .			
MSB-A	C:MSB-A		
RRMuñoz	GMVasquez		
<b>/RA/</b>	<b>/RA/</b>		
08/15/2011	09/02/2011		

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## NOTICE OF VIOLATION

Indo American Engineering, Inc.  
Rock Springs, Wyoming

Docket: 030-35704  
License: 49-27701-01

During a NRC inspection conducted on June 16, 2011, seven violations of NRC requirements were identified. In accordance with the Enforcement Policy, the violations are listed below:

- A. License Condition 17 of NRC License 49-27701-01 states, in part, that the gauge or its container must be locked when in transport, storage, or when not under the direct surveillance of an authorized user.

Contrary to the above, on June 16, 2011, the licensee failed to lock the gauges or their containers, when in storage and not under the direct surveillance of an authorized user. Specifically, three Troxler portable gauges, SN 22986, 32250, and 21693, had neither the gauge triggers nor the transport containers locked while being stored at the licensee's storage location, and the gauges were not under the direct surveillance of an authorized user.

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

- B. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the Department of Transportation (DOT) regulations in 49 CFR Parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

49 CFR 172.202(a) and (b) require in part, with exceptions not applicable here, that the shipping description of a hazardous material on the shipping paper include, (1) the proper shipping name prescribed for the material in 172.101 (2) the hazard class prescribed for the material as shown in Column 3 of the 172.101 Table, and (3) the identification number prescribed for the material as shown in Column 4 of the 172.101 Table. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

Contrary to the above, from October 2004 to June 16, 2011, the licensee transported outside the confines of its facility portable gauges containing licensed material, and the shipping description on the shipping paper that accompanied the shipment did not include the correct identification number. Specifically, the shipping papers for the portable gauges identified the material as UN2974, "Radioactive Material, Special Form, not otherwise specified. The material should have been identified as UN3332, "Radioactive Material, Type A package, special form, non-fissile or fissile-excepted."

This is a Severity Level IV violation (Violation Example 6.8).

- C. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the Department of Transportation (DOT) regulations in

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49 CFR Parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

49 CFR 172.201(d) requires that a shipping paper contain an emergency response telephone number as prescribed in Subpart G of 49 CFR Part 172.

49 CFR 172.604 states in part, that, the telephone number required must be the number of the person offering the material for transport or the number of an organization capable of and accepting responsibility for providing the detailed information concerning the hazardous material.

Contrary to the above, from June 2006, to June 16, 2011, the licensee transported outside the confines of their facility, portable gauges containing licensed material, and the shipping papers that accompanied the shipment listed the number for a disconnected telephone number as the emergency response number on the shipping papers rather than a number for a member of the licensee's staff.

This is a Severity Level IV violation (Violation Example 6.8).

- D. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the Department of Transportation (DOT) regulations in 49 CFR Parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

49 CFR 172.702 requires that each hazmat employer shall ensure that each hazmat employee is trained and tested, and that no hazmat employee performs any function subject to the requirements of 49 CFR Parts 171-177 unless trained, in accordance with Subpart H of 49 CFR Part 172. The terms Hazmat Employer and Hazmat Employee are defined in 49 CFR 171.8.

49 CFR 172.704(a) specifies the elements of hazmat employee training as (1) general awareness/familiarization training, (2) function-specific training, and (3) safety training.

49 CFR 172.704(c) requires, in part, that a hazmat employee receive initial training and recurrent training at least once every 3 years and initial training within ninety (90) days of employment.

Contrary to the above, the licensee failed to provide training for its hazmat employees which satisfied the requirements in Subpart H to 49 CFR Part 172. Specifically, the licensee did not provide initial to an employee hired in 2010 within 90 days of employment, and did not provide recurrent training at least once every 3 years to one employee since 2006.

This is a Severity Level IV violation (Violation Example 6.8).

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

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Contrary to the above, from June 2006 to June 16, 2011, the licensee failed to periodically (at least annually) review the radiation protection program content and implementation, a period in excess of 1 year.

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

- F. 10 CFR 19.12(a)(2) states, in part, that employees be kept informed of the storage, transfer, or use of radiation and/or radioactive material through instruction in protection from exposure, regulations, and responsibilities commensurate with potential radiological health protection problems present in the work place.

Contrary to the above, the licensee failed to keep its employees informed of potential radiological health protection problems present at the work place. Specifically, one gauge user employed during the summer of 2010 and 2011 was working as an occupationally exposed individual and had not received radiation safety training.

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

- G. License Condition 22 of NRC Byproduct Materials License 49-27701-01, requires, in part, that the licensee shall conduct its program in accordance with license application dated April 5, 2001. Item 10 of the license application, "Radiation Protection Program- Operating and Emergency Procedures" states that operating and emergency procedures will be developed, implemented, and maintained and contain the criteria in the section entitled "Radiation Safety Program – Operating and Emergency Procedures" in NUREG-1556 Volume 1, dated May 1997.

Contrary to the above, since the date the license was issued, the licensee failed to develop, implement, and maintain Operating and Emergency Procedures that contain the criteria in the section entitled "Radiation Safety Program – Operating and Emergency Procedures" in NUREG-1556 Volume 1, dated May 1997.

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

Pursuant to the provisions of 10 CFR 2.201, Indo American Engineering, Inc., 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, 612 E. Lamar Blvd., Suite 400, Arlington, Texas, 76011, 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 to avoid further violations, 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.

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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, in 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 [www.nrc.gov/reading-rm/adams.html](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 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).

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

Dated this 6<sup>th</sup> day of September 2011