April 11, 2012

Mr. Martin Barker
Power Production Manager
City Of Independence, Missouri Power
and Light Department
21500 E. Truman Road, P.O. Box 1019
Independence, MO 64051-0519

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03017961/12-001(DNMS) AND NOTICE OF VIOLATION – CITY OF INDEPENDENCE, MISSOURI POWER AND LIGHT DEPARTMENT

Dear Mr. Barker:

On February 29, 2012, a U.S. Nuclear Regulatory Commission (NRC) inspector conducted a routine inspection at the 22225 East 210 Highway, Missouri City, Missouri, facility, with continued NRC in-office review through March 12, 2012. The NRC in-office review included the corrective actions taken by your staff. A telephone exit meeting between your Radiation Safety Officer (RSO), Mr. Mike Fall, and Bill Lin of my staff was conducted on March 13, 2012, to discuss the inspection findings.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations as well as 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.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. The violations were 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 violations involved the failure to: (1) have the named radiation safety officer (RSO) listed on NRC Materials License 24-18757-02, license condition 12A; and (2) have documented records of annual audits as required by Title 10 Code of Federal Regulations (CFR) 20.2102. The inspector was informed by your staff that the named RSO on your NRC Materials License 24-18757-02 left your facility in 2007, after which, in 2008 the responsibility of the RSO was delegated to the environmental coordinator within the Missouri City facility, and Mr. Fall assumed the RSO responsibility in 2009.

The root cause for the violation; (1) the named RSO listed on the license was no longer in the employ of the licensee; and (2) the licensee did not realize that a license amendment request to remove the named RSO and name a new RSO was never generated by the outgoing RSO. As corrective actions for the violation of failure to have the documented RSO named on your license, you have submitted a written request to the NRC of your intent to decommission

your facility and then terminate your NRC Materials License. In your written communication with the NRC, you have indicated that all of the fixed gauges with the Cs-137 source will remain in the locked position until an outside service contractor begins decommissioning work at your facility, scheduled for April 24, 2012. According to your staff, the service contractor will be responsible for all of the decommission work involved with the fixed gauges. Upon completion of the decommission work, you will then submit a request to terminate your NRC License No. 24-18757-02.

The root cause for the violation, failure to have documented records of annual audits performed, was that the licensee did not realize that the annual audits needed to be documented. The corrective actions for the violation your staff has now documented all of the annual audits performed from 2009 through 2011.

The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report. The violations are being cited in the Notice because they were identified by the NRC inspector.

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to be taken to correct the violation and prevent recurrence, and the date when full compliance will be achieved, is already adequately addressed on the docket in NRC Inspection Report No. 03017961/12-001(DNMS) and in this letter. 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 CFR 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, proprietary, or safeguards information so that it can be made available to the public without redaction.

We will gladly discuss any questions you have concerning this inspection.

Sincerely,

/RA/

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

Docket No. 030-17961
License No. 24-18757-02

Enclosure:
Notice of Violation

cc w/encl: Mike Fall, RSO
State of Missouri

We will gladly discuss any questions you have concerning this inspection.

Sincerely,

/RA/

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

Docket No. 030-17961
License No. 24-18757-02

Enclosure:
Notice of Violation

cc w/encl: Mike Fall, RSO
State of Missouri

DISTRIBUTION w/ encls:

Jennifer Uhle	Steven Orth	Patricia Buckley
Anne Boland	Carole Ariano	Tammy Tomczak
Patrick Louden	Paul Pelke	MIB Inspectors

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NOTICE OF VIOLATION

City Of Independence, Missouri Power and Light Department
Independence, MO 64051-0519

Docket No. 030-17961
License No. 24-18757-02

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on February 29, 2012, with continued NRC in-office review through March 12, 2012, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

A. Condition 12.A of NRC License No. 24-18757-02 states that the Radiation Safety Officer, (RSO) for this license is Bill Gladden.

Contrary to the above, as of 2008, the named RSO listed on the license was no longer in the employ of the licensee. Specifically, the named individual left the licensee's employment in 2007, and information on the individual named by the licensee as RSO was never provided to the NRC to be added to the license.

This is a Severity Level IV Violation (Section 6.3.d.8).

B. Title 10 of the Code of Federal Regulations (CFR) 20.2102 states, in part, that the licensee shall maintain records of the radiation protection program, including the audits and other reviews of program content and implementation.

Contrary to the above, as of 2009, the licensee failed to maintain records of the radiation protection program.

This is a Severity Level IV Violation (Section 6.3.d.3).

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to be taken to correct the violation and prevent recurrence, and the date when full compliance will be achieved, is already adequately addressed on the docket in NRC Inspection Report No. 03017961/12-001(DNMS) and in the letter transmitting this Notice. However, you are required to submit a written statement or explanation pursuant to 10 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 contest this violation, please also send a copy to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

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.

Dated this 11th day of April 2012.