



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
1600 EAST LAMAR BLVD  
ARLINGTON, TEXAS 76011-4511

June 11, 2012

Michael McIntire, Radiation Safety Officer  
Southwest X-Ray Corporation  
P.O. Box 130  
Glenrock, Wyoming 82637

SUBJECT: NRC INSPECTION REPORT 030-37579/2012-001 AND NOTICE OF VIOLATION

Dear Mr. McIntire:

This refers to the inspection conducted on May 16, 2012, at your facility in Casper, Wyoming. The inspection was an examination of activities conducted under byproduct material license 49-29277-01 as it relates to safety and security, 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, observations of activities, and interviews with personnel. The inspection findings were discussed with you at the conclusion of the onsite inspection. A final exit meeting was conducted with you on May 29, 2012.

Based on the results of this inspection, the NRC has determined that two violations of NRC requirements occurred. These violations involved the failures to: (1) leak test exposure devices for depleted uranium contamination and (2) provide hazardous materials refresher training for employees transporting hazardous radioactive material. These violations were evaluated in accordance with the NRC Enforcement Policy included on the NRC's Web site at [www.nrc.gov/about-nrc/regulatory/enforcement.html](http://www.nrc.gov/about-nrc/regulatory/enforcement.html). The violations are cited in the enclosed Notice of Violation (Notice), and the circumstances surrounding each are described in the enclosed Notice. These violations are being cited in the Notice because the first one was identified by the NRC, rather than being self-identified by the licensee, and in the case of the transportation violation it was a repeat violation.

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.

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 Mr. Anthony Gaines at (817) 200-1252 or the undersigned at (817) 200-1130.

Sincerely,

*/RA/*

G. Michael Vasquez, Chief  
Nuclear Materials Safety Branch A

Docket No.: 030-37579  
License No.: 49-29277-01

Enclosures:

1. Notice of Violation (Notice)
2. Excerpt from NRC Information Notice 96-28

cc w/enclosure 1:  
Wyoming Radiation Control Program Director

Internal distribution via e-mail:

E. Collins, RA  
 A. Vogel, D: DNMS  
 M. Vasquez C: DNMS/NMSB-A  
 J. Whitten, C: DNMS/NMSB-B  
 M. Herrera, Fee Coordinator  
 R4DNMS\_MS-A

Hard Copy:

RIV Materials Docket File  
 DNMS Secretarial File

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|--|---|---|--|
| ADAMS: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes | <input checked="" type="checkbox"/> SUNSI Review Complete | Reviewer Initials: ADG                            |  |
|  | <input checked="" type="checkbox"/> Publicly Available    | <input checked="" type="checkbox"/> Non-Sensitive |  |
| Category A.  | Non-publicly Available                                    | Sensitive   |  |
| KEYWORD:   |   |   |  |
| MSB-A  | C:MSB-A   |   |  |
| ADGaines   | GMVasquez   |   |  |
| /RA/   | /RA/  |   |  |
| 5/29/2012  | 6/08/2012   |   |  |

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T=Telephone

E=E-mail

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## NOTICE OF VIOLATION

Southwest X-Ray Corporation  
Glenrock, Wyoming

Docket 030-37579  
License 49-29277-01

During an NRC inspection conducted on May 16, 2012, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 34.27(e) requires, in part, that each exposure device using depleted uranium (DU) shielding and an "S" tube configuration must be tested for DU contamination at intervals not to exceed 12 months.

Contrary to the above, the licensee failed to test each exposure device using DU shielding and an "S" tube configuration for DU contamination at intervals not to exceed 12 months. Specifically, the licensee had four exposure devices using DU shielding with an "S" tube configuration that were in use as of May 16, 2012, had last been leak tested for DU contamination on January 5, 2009, a period exceeding 12 months.

This is a Severity Level IV violation (Section 6.3)

- B. 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(c) requires in part that a hazmat employee receive initial training and recurrent training at least once every three years.

Contrary to the above, as of May 16, 2012, the licensee failed to provide initial or recurrent training for hazmat employees which satisfied the requirements of Subpart H to 49 CFR Part 172. Specifically, since the last inspection on June 28, 2011, the licensee has transported a radiographic exposure device containing hazardous material on a public highway on multiple occasions; however, the licensee personnel that transported the hazardous material had not been provided with recurrent hazmat training within the past three years.

This is a repeat Severity Level IV violation (Section 6.8).

In accordance with the provisions of 10 CFR 2.201, Southwest X-Ray Corporation 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 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.

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 [www.nrc.gov/reading-rm/pdr.html](http://www.nrc.gov/reading-rm/pdr.html) or [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 11<sup>th</sup> day of June 2012