



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION IV  
1600 E. LAMAR BLVD.  
ARLINGTON, TX 76011-4511

June 4, 2014

EA-14-068

Daniel Steven Roe  
Radiation Safety Officer  
Roetech of Sheridan, Inc.  
2058 Dana Avenue  
Sheridan, WY 82801

**SUBJECT: NRC INSPECTION REPORT 030-35624/2014-001; NOTICE OF VIOLATION; AND  
EXERCISE OF ENFORCEMENT DISCRETION**

Dear Mr. Roe:

This letter refers to the unannounced inspection conducted on April 16, 2014, at your main office in Sheridan, Wyoming. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of activities, and interviews with personnel. The inspector discussed the preliminary inspection findings at the conclusion of the onsite portion of the inspection with you. A final exit briefing was conducted telephonically with you on April 28, 2014. The enclosed report presents the results of this inspection.

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>). A violation of 10 CFR 30.34(i) was identified during this inspection. Specifically, the inspector observed a portable gauge stored inside its shipping container, in the bed of a pickup truck, and not under direct control and constant surveillance of the licensee. The gauge was secured with only one physical control instead of two controls required by the regulation. The inspector noted that several other gauges he observed at the facility and in another pickup truck were secured correctly, and concluded that this was an isolated occurrence.

In accordance with the Enforcement Policy, such violations are normally categorized at Severity Level III and considered for escalated enforcement action. However, the NRC is exercising enforcement discretion to categorize the violation at Severity Level IV based on the following: (1) one physical control existed to prevent loss or theft of the portable gauge; (2) you retained possession of the gauge; (3) the violation was isolated; and (4) no indication of programmatic weakness was identified. This violation is cited in the enclosed Notice of Violation (Notice) because it was identified by the NRC during the April 16, 2014, inspection.

D. Roe

In addition, a violation of License Condition 13.A. was identified during this inspection and is described in the attached Notice. Specifically, the inspector identified that the most current leak testing performed on three portable gauges exceeded the 12 month testing frequency.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful. You can find the Information Notice on the NRC website at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html> . 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, its enclosure, 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.

If you have any questions concerning this matter, please contact Roberto J. Torres at 817-200-1189 or Michael Vasquez at 817-200-1130.

Sincerely,

**/RA/**

Linda L. Howell, Acting Director  
Division of Nuclear Materials Safety

Docket: 030-35624  
License: 49-27690-01

Enclosure:  
Notice of Violation

cc w/enclosure:  
State of Wyoming Radiation Protection  
Control Program

D. Roe

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.

If you have any questions concerning this matter, please contact Roberto J. Torres at 817-200-1189 or Michael Vasquez at 817-200-1130.

Sincerely,

**/RA/**

Linda L. Howell, Acting Director  
Division of Nuclear Materials Safety

Docket: 030-35624  
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Enclosure:  
Notice of Violation

cc w/enclosure:  
State of Wyoming Radiation Protection  
Control Program

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## NOTICE OF VIOLATION

Roetech of Sheridan, Inc.  
Sheridan, Wyoming

Docket: 030-35624  
License: 49-27690-01  
EA-14-068

During an NRC inspection conducted on April 16, 2014, at the licensee's main office located at 2058 Dana Avenue, Sheridan, Wyoming, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 30.34(i) requires that each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever the portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, on April 16, 2014, the licensee failed to use a minimum of two independent physical controls that form tangible barriers to secure a portable gauge from unauthorized removal, whenever the portable gauge was not under the control and constant surveillance of the licensee. Specifically, at the licensee's main office located at 2058 Dana Avenue, Sheridan, Wyoming, the licensee stored a portable gauge inside its transport container, in the bed of a pickup truck, with only one physical control present to prevent unauthorized removal of the gauge. The gauge was not under direct control and constant surveillance of the licensee.

This is a Severity Level IV violation (EGM-11-004).

- B. License Condition 13.A. of NRC License No. 49-27690-01 requires that sealed sources be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State. The certificate of registration for gauges possessed by the licensee indicates a 12 month testing frequency.

Contrary to the above, the licensee failed to test sealed sources for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State. Specifically, the most current leak testing performed on three gauges occurred on April 11, 2011, and February 15, 2013, a period of time exceeding the 12 month leak testing frequency.

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

Pursuant to the provisions of 10 CFR 2.201, Roetech of Sheridan, 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 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";

Enclosure

EA-14-068” 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.

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, your response 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). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated this 4th day of June 2014

Enclosure