



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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

January 08, 2016

Edward L. Wilds, Jr., Ph.D., Acting Director
U.S. Environmental Protection Agency
National Center for Radiation Field Operations
4220 South Maryland Parkway, Building C
Las Vegas, NV 89119-7533

SUBJECT: NRC INSPECTION REPORT 030-06981/2015-001 AND NOTICE OF VIOLATION

Dear Dr. Wilds:

This letter refers to the inspection conducted on August 18, 2015 with an in-office review until December 9, 2015 at your facility in Las Vegas, Nevada. This inspection examined activities conducted under your license as they relate to safety and compliance with the U.S. Nuclear Regulatory Commission's (NRC) rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of examination of records and selected procedures, observations of licensed activities, and interviews with personnel. Preliminary inspection findings were discussed with you at the conclusion of the onsite inspection on August 18, 2015. Over the next several months, U.S. Environmental Protection Agency National Center for Radiation Field Operations submitted additional information to the NRC regarding this inspection. A final exit briefing was conducted telephonically with you and members of your staff on December 9, 2015.

Based on the results of this inspection, the NRC has determined that three Severity Level IV violations of the NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy which is found on the NRC's Web site at www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html. The violations involved the failure to: 1) periodically (at least annually) review the radiation protection program content and implementation; 2) conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license; and 3) secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas. The violations are cited in the enclosed Notice of Violation (Notice) because they were identified by the NRC during the inspection.

You are required to respond to this letter and may find the guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," to 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>. Information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be (was)

achieved should be addressed. 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 "Agency Rules of Practice and Procedure," 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 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 information so that it can be made available to the Public without redaction.

Should you have any questions regarding this letter or the enclosed Notice, please contact Michelle M. Hammond at 817-200-1127 or myself at 817-200-1456.

Sincerely,

/RA/

Brooke G. Smith, Acting Chief
Nuclear Material Safety Branch A
Division of Nuclear Materials Safety

Docket: 030-06981
License: 27-05861-02

Enclosure:
Notice of Violation (Notice)

cc: Karen Beckley, Program Manager
Radiation Control Program
Dept. of Health and Human Services
Nevada State Health Division
727 Fairview Drive, Suite E
Carson City, NV 89701

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cc: Karen Beckley, Program Manager
Radiation Control Program
Dept. of Health and Human Services
Nevada State Health Division
727 Fairview Drive, Suite E
Carson City, NV 89701

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| NAME | MMHammond | BGSmith | | | |
| SIGNATURE | <i>/RA/</i> | <i>/RA/</i> | | | |
| DATE | 01/07/16 | 01/08/16 | | | |

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NOTICE OF VIOLATION

U.S. Environmental Protection Agency
Las Vegas, Nevada

Docket: 030-06981
License: 27-05861-02

During the U.S. Nuclear Regulatory Commission (NRC) inspection conducted on August 18 – December 9, 2015, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

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

Contrary to the above, on the licensee failed to periodically (at least annually) review the radiation protection program content and implementation. Specifically, the licensee had not reviewed the radiation protection program content and implementation during the calendar years 2013 and 2014.

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

- B. License Condition 18 of Amendment 47, to NRC Materials License 27-05861-02, states, in part, that the licensee shall conduct a physical inventory every 6 months, or at other intervals approved by the Commission to account for all sources received and possessed under the license.

Contrary to the above, the licensee failed to conduct a physical inventory every 6 months to account for all sources received and possessed under the license. Specifically, the physical inventories conducted by the licensee between January 2012 and August 2015 were incomplete and failed to account for all sources received and possessed by the licensee.

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

- C. 10 CFR 20.1801 requires that the licensee shall secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas.

Contrary to the above, the licensee failed to secure from unauthorized removal or access licensed materials that were stored in controlled or restricted areas. Specifically, from January 2012 through August 2015, the licensee failed to secure from unauthorized removal licensed materials that included sealed and unsealed radionuclides whose aggregate quantity was greater than 10 times the quantity specified in Appendix C to 10 CFR Part 20.

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

Pursuant to the provisions of 10 CFR 2.201, U.S. Environmental Protection Agency National Center for Radiation Field Operations 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, 1600 E. Lamar Blvd., Arlington, Texas, 76011, within 30 days of the date of the letter transmitting this

Enclosure

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

In accordance with 10 CFR 19.11(a)(4), you may be required to post this Notice to workers within two working days.

Dated this 8 day of January 2016