



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

January 8, 2016

Docket No. 03012771

License No. 08-17447-01

Mic D. McKeighan
Director
U.S. Customs & Border Protection
Department of Homeland Security
Office of Human Resources Management
6650 Telecom Drive
Indianapolis, IN 46278

SUBJECT: NRC INSPECTION REPORT NO. 03012771/2013001, U.S. CUSTOMS & BORDER PROTECTION, AND NOTICE OF VIOLATION

Dear Mr. McKeighan:

During the period of October 2013 through September 2015, Craig Gordon and Sattar Lodhi of this office conducted a safety inspection at the above address and at various ports of entry in the States of Florida, Idaho, Louisiana, Maryland, Maine, Minnesota, New Mexico, Oregon, Texas, and Washington, of activities authorized by your NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspectors, interviews with personnel, and a selective examination of representative records. The findings of the inspection were discussed via telephone with Mr. Steven Tilden of your organization at the conclusion of the inspection on December 29, 2015.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation involved the failure to maintain constant surveillance of the area included in the exclusion zone while scanning vehicles using VACIS-II, as required by Condition 28 of the above license. The violation is described in the enclosed Notice of Violation.

The violation is cited in the enclosed Notice of Violation because it was identified by the NRC. Also, it was a repeat violation for an issue documented in our letter dated October 29, 2013. Although you took corrective action to address the previous violation, the current violation is of concern, because your actions were not effective in preventing recurrence and indicate a lack of attention to detail. The NRC expects licensees to conduct their programs with meticulous attention to detail and high standards of safety and compliance. The licensees must conduct their program according to NRC regulations, the conditions of their NRC license, and the representations made in their applications because radiation exposure to employees and the public could result from failure to comply with NRC requirements.

During our inspection exit discussion on December 29, 2015, Mr. Tilden indicated that you will review the training program to ensure that employees fully understand the regulatory requirements. Mr. Tilden also stated that U.S. Customs & Border Protection is committed to radiation safety and to compliance with NRC regulations and licensed conditions.

You are required to respond to this letter and should follow the instructions specified in the Notice of Violation 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.

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 document system (ADAMS), accessible from the NRC website 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.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Craig Gordon at (610) 337-5216 if you have any questions regarding this matter.

Sincerely,

/RA/

Blake D. Welling, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc: Alex J. Grosso, Jr., Radiation Safety Officer
State of Indiana

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 Commercial, Industrial, R&D
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Enclosure:
 Notice of Violation

cc: Alex J. Grosso, Jr., Radiation Safety Officer
 State of Indiana

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OFFICE	DNMS/RI	N	DNMS/RI	DNMS/RI		
NAME	CGordon/asl f/*		SLodhi/asl*	BWelling		
DATE	1/7/2016		1/7/2016	1/8/2016		

*see previous concurrence

NOTICE OF VIOLATION

U.S. Customs & Border Protection
Indianapolis, IN

Docket No. 03012771
License No. 08-17447-01

During an NRC inspection conducted in October 2013 through September 2015, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

- A. Condition 28 of NRC License No. 08-17447-01 requires, in part, that the licensee conduct its program in accordance with the statements and procedures contained in the application dated November 4, 2013.

Item 10 of the application dated November 4, 2013, requires, in part, that the licensee use its mobile and fixed systems in a manner described in the manufacturer's literature.

The 4th bullet of Section 1.3.1, titled "System Safety Precautions and Limitations" of the manufacturer's literature (VACIS II – Operator's Manual) requires that the operator visually verify that the exclusion zone is completely clear of all personnel before initiating a scan.

Contrary to the above, on May 21, 2015, the licensee used a VACIS II system (V200009) at its facility at Columbia Bridge in Laredo, Texas, and the operator did not visually verify that the exclusion zone was completely clear of all personnel before initiating a scan. Specifically, the operator did not have an unobstructed view of the entire exclusion zone and there was no ground person to provide surveillance of the area not visible to the operator during a scan of a vehicle.

This is a Severity Level IV violation (Enforcement Policy Section 6.3).

Pursuant to the provisions of 10 CFR 2.201, U.S. Customs & Border Protection is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, 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, (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.

Enclosure

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated This 8 day of January 2016