



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION IV
1600 E. LAMAR BLVD.
ARLINGTON, TX 76011-4511

August 08, 2016

V. Troy Curnutt
Radiation Safety Officer
Troy Curnutt Consulting
2861 Lois Lane
Pocatello, ID 83201

SUBJECT: NRC INSPECTION REPORT 030-38843/2016-001 AND NOTICE OF VIOLATION

Dear Mr. Curnutt:

This refers to the initial, announced inspection conducted on July 11, 2016, at your facility in Pocatello, Idaho. The inspection was an examination of activities conducted under byproduct material license 11-35248-01 as they relate to safety, security, and compliance with the Commission's rules and regulations and with the conditions of the license. Within these areas, the inspection consisted of observations of facilities, independent radiation measurements, selected examination of procedures and representative records, and discussions with you. The preliminary inspection findings were discussed with you at the conclusion of the onsite portion of the inspection. A final telephonic exit briefing was conducted with you on August 3, 2016.

Based on the results of this inspection, the U. S. Nuclear Regulatory Commission (NRC) has determined that one violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy, which can be found at the NRC's Web site at www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html. The violation is cited and described in the enclosed Notice of Violation (Notice). The violation is being cited in the Notice because it was identified by the NRC during the inspection. The violation involved the performance of leak tests of sealed sources as a commercial service for other licensees, which is not an authorized use under byproduct material license 11-35248-01. License application dated February 23, 2015 (ML15090A728) did not request authorization to provide leak testing as a commercial service for other licensees.

You are required to respond to this letter and must 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 Web site at <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. Information regarding the reason for the violation, the corrective actions taken and planned to correct the violation 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 document system (ADAMS), accessible from the NRC's 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 Dr. Janine F. Katanic, CHP, at (817) 200-1151 or the undersigned at (817) 200-1191.

Sincerely,

/RA/

Ray L. Kellar, P.E., Chief
Nuclear Materials Safety Branch A

Docket No. 030-38843
License No. 11-35248-01

Enclosure:
Notice of Violation (Notice)

cc: Idaho Radiation Control Program Director

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cc: Idaho Radiation Control Program Director

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ADAMS ACCESSION NUMBER: ML

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OFFICE	RIV:DNMS/NMSB-A	C:NMSB-A			
NAME	JFKatanic	RLKellar			
SIGNATURE	/RA/	/RA/			
DATE	08/08/16	08/08/16			

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Troy Curnutt Consulting
Pocatello, Idaho

Docket No. 030-38843
License No. 11-35248-01

During the U.S. Nuclear Regulatory Commission (NRC) inspection conducted on July 11, 2016, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Items 9.A., B., and C. of NRC License 11-35248-01, Corrected Copy, dated September 4, 2015, specifies the authorized uses of licensed material in Items 6.A., B., and C. to be limited to providing commercial: (A) scaler/ratemeter scintillation counter analyzer efficiency and/or constancy; (B) dose calibrator constancy, accuracy, and/or scaler/ratemeter scintillation counter analyzer efficiency; and (C) dose calibrator constancy and/or accuracy.

Contrary to the above, from September 4, 2015, through July 11, 2016, the licensee failed to limit its use of the licensed material in Items 6.A., B., and C. to the authorized uses specified in Items 9.A., B., and C. of NRC License 11-35248-01, Corrected Copy, dated September 4, 2015. Specifically, the licensee performed leak testing as a commercial service for other licensees, which is not an authorized use under Items 9.A., B., and C. of the licensed material in Items 6.A., B., and C. of NRC License 11-35248-01, Corrected Copy, dated September 4, 2015.

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

Pursuant to the provisions of 10 CFR 2.201, Troy Curnutt Consulting, 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 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.

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

Enclosure

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(a)(4), you may be required to post this Notice within two working days.

Dated this 8th day of August 2016