



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE RD. SUITE 210
LISLE, IL 60532-4352

August 16, 2016

Mr. Richard Gilbert, Vice President
Missouri Analytical Laboratories Inc.
1820 Delmar Blvd.
Saint Louis, MO 63103

**SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03005138/16001 (DNMS) AND
NOTICE OF VIOLATION – MISSOURI ANALYTICAL LABORATORIES INC.**

Dear Mr. Gilbert:

On June 30, 2016, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at your St. Louis, Missouri facility with continuing in-office review through July 20, 2016. The purpose of the inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. The in-office review included a review of training records that were not available during the onsite inspection. A final exit meeting was held between Mr. Bill Lin of my staff, and Mr. Ross Larson of your staff by telephone on July 20, 2016.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations as well as the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was 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>. The violation concerned the licensee's failure to conduct annual radiation safety training in accordance with Condition 17 of Amendment No. 19 of NRC License No. 24-12366-01. The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the Notice because the inspector identified the violation and it is a repeat violation from the last NRC routine inspection that was performed on August 26, 2011.

The inspector determined that the root cause of the violation was Radiation Safety Officer (RSO) oversight. Specifically, the RSO failed to conduct the radiation safety training because his time was occupied by other duties that were assigned to him and he forgot to conduct the training. As corrective actions, the RSO conducted the required refresher training on July 5, 2016. Additionally, the RSO made a reminder notification for radiation safety training in his Microsoft Outlook calendar.

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 useful in preparing your response. 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.

Furthermore, the NRC is concerned that the aforementioned violation is a repeat violation. The repeat violation indicates a lack of oversight of the radiation protection program by licensee management. The NRC expects licensee management and the RSO to be responsible for oversight of licensed activities and for ensuring compliance with NRC requirements. Therefore, in addition to responding to the violation cited in the Notice, the NRC is requesting that you provide specific actions that have been or will be taken to enhance management involvement and oversight of the radiation protection program and ensure that the program is properly implemented.

In accordance with Title 10 of the *Code of Federal Regulations* (CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access Management 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.

Please feel free to contact Bill C. Lin of my staff if you have any questions regarding this inspection. Mr. Lin can be reached at 630-829-9829.

Sincerely,

/RA/

John B. Giessner, Director
Division of Nuclear Materials Safety

Docket No. 030-05138
License No. 24-12366-01

Enclosure:
Notice of Violation

cc w/encl: State of Missouri
Ross Larson (RSO)

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Docket No. 030-05138
License No. 24-12366-01

Enclosure:
Notice of Violation

cc w/encl: State of Missouri
Ross Larson (RSO)

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DATE	8/11/2016	8/12/2016	8/16/2016	

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NOTICE OF VIOLATION

Missouri Analytical Laboratories Inc.
Saint Louis, MO

License No. 24-12366-01
Docket No. 030- 05138

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on June 30, 2016, with continued in-office review through July 20, 2016, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Condition 17 of Amendment No. 19 of NRC License No. 24-12366-01 states, in part, the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the application dated June 26, 2014. Item 8 of the application dated June 26, 2014, states, in part, "The annual radiation training conducted by the RSO includes, Title 10 CFR Parts 19 and 20."

Contrary to the above, the licensee did not conduct annual radiation safety training. Specifically, the licensee failed to conduct any radiation safety training from January 2015 through July 5, 2016, a period that exceeded the annual requirement. The last required annual radiation safety training was conducted in December 2014.

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

Pursuant to the provisions of CFR 2.201, Missouri Analytical Laboratories 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 III, 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: (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; and (4) the date when full compliance will be achieved. Your response may reference or include previously 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, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

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

Dated this 16th day of August, 2016.