



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

June 14, 2017

Robert P. Swanson, Owner
PCA Engineering, Inc.
4506 Wigwam Boulevard
Gillette, WY 82717

SUBJECT: NRC INSPECTION REPORT 030-32555/2017-001 AND NOTICE OF VIOLATION

Dear Mr. Swanson:

This letter refers to the routine, unannounced inspection conducted by the U.S. Nuclear Regulatory Commission (NRC) on March 20, 2017, at your facility in Gillette, Wyoming with additional in-office review to clarify audit information through May 1, 2017. This inspection examined activities conducted under your license as they relate to public health and safety, the common defense and security, and to confirm compliance with the Commission's rules and regulations, and with 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. The preliminary results of the inspection were discussed with you on March 20, 2017. A final telephonic exit of the inspection was conducted with you on May 15, 2017.

Based on the results of this inspection, the NRC has determined that five Severity Level IV violations of NRC requirements occurred. These 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>). The violations are cited in the enclosed Notice of Violation (Notice). The violations are being cited in the Notice because they were identified by the NRC during the inspection.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also 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 or proprietary information so that it can be made available to the Public without redaction.

If you have any questions regarding the inspection, please contact Ms. Martha Poston-Brown at (817) 200-1181 or the undersigned at (817) 200-1145.

Sincerely,

/RA/

Vivian H. Campbell, Chief
Materials Licensing and Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-32555
License No. 49-27418-01

Enclosure: Notice of Violation

cc:
S. Ramsay, Wyoming Radiation Control Program

NOTICE OF VIOLATION

PCA Engineering, Inc.
Gillette, Wyoming

Docket No. 030-32555
License No. 49-27418-01

During the U.S. Nuclear Regulatory Commission (NRC) inspection conducted on March 20, 2017, five of violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 12 of NRC License 49-27418-01, Amendment 4, dated August 24, 2012, identified the Radiation Safety Officer as Robert Mayer.

Contrary to the above, between March 3, 2015 and March 20, 2017, the individual identified as the Radiation Safety Officer in License Condition 12 of NRC License 49-27418-01, Amendment 4, dated August 24, 2012, was no longer the person responsible for the radiation protection program. Specifically, the individual had left the licensee's employment on March 3, 2015, and the licensee had not submitted a request to the NRC to identify another individual as the Radiation Safety Officer.

This is a Severity Level IV violation (Section 6.3.d.8).

- B. License Condition 13.A of NRC License 49-27418-01, Amendment 4, dated August 24, 2012, requires that sealed sources shall be tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the NRC under 10 CFR 32.210 or any Agreement State.

Contrary to the above, during calendar years 2014 and 2016, sealed sources were not tested for leakage and/or contamination at intervals not to exceed the intervals specified in the certificate of registration issued by the NRC under 10 CFR 32.210 or any Agreement State. Specifically, the licensee, who is in possession of three Troxler portable nuclear gauges, approved to be leak tested annually under a certificate of registration issued by the State of North Carolina (NC-646-D-130-S issued April 4, 2007), failed to conduct leak tests for all three gauges (S/N 60706, 22298 and 31639) in calendar year 2014 and for two of the three gauges (S/N 22298, and 31639) in calendar year 2016.

This is a Severity Level IV violation (Section 6.7.d.4).

- C. License Condition 15 of NRC License 49-27418-01, Amendment 4, dated August 24, 2012, requires, in part, that the licensee shall conduct a physical inventory every 6 months or at other intervals approved by the NRC, to account for all sources and/or devices received and possessed under the license.

Contrary to the above, between August 1, 2013, to March 20, 2017, the licensee failed to conduct a physical inventory every 6 months or at other intervals approved by the NRC, to account for all sources and/or devices received and possessed under the license. Specifically, the licensee failed to perform any physical inventories or use any other mechanism or documentation to account for sources and/or devices at the required six-month interval, as specified above.

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

- D. Title 10 of the Code of Federal Regulations (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, for calendar years 2013 and 2015, the licensee failed to periodically (at least annually) review the radiation protection program content and implementation.

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

- E. License Condition 11 of NRC License 49-27418-01, Amendment 4, dated August 24, 2012, authorizes licensed material to be used by, or under the supervision and in the physical presence of individuals who have received the training as described in an email dated July 24, 2012. In the email dated July 24, 2012, the licensee committed that before using licensed materials, authorized users will have successfully completed one of the training courses described in the Criteria section titled, "Training for Individuals Working in or Frequenting Restricted Areas" in NUREG-1556 Volume 1, Revision 1, "Consolidated Guidance about Material Licenses Program Specific Guidance about Portable Gauge Licenses" dated November 2001. The Criteria states that authorized users must have completed adequate training and experience and that the NRC has found successful completion of one of the following as evidence of adequate training and experience: (1) portable gauge manufacturer's course for users; or (2) equivalent course that meets Appendix D in NUREG-1556 Volume 1 Revision 1 dated November 2001.

Contrary to the above, from May 2015 to March 20, 2017, an individual used the licensee's portable nuclear gauge containing licensed material and was not under the supervision and in the physical presence of an individual who had received training as described in the email dated July 24, 2012. Specifically, an individual was hired on full time in May 2015 and began working as an authorized user for the licensee but had not completed portable nuclear gauge training, as specified above.

This is a Severity Level IV violation (Section 6.3.d.6)

Pursuant to the provisions of 10 CFR 2.201, PCA Engineering 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 this letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to 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; 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 response is not received within the time specified in this Notice, an order or a Demand for Information may be issued requiring information as to why the license should not be modified, suspended or revoked, or why such other action as may be proper should 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 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 in 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 or safeguard information so that it may 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(a) 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. If Classified information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR Part 95.

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

Dated this 14th day of June 2017.

NRC INSPECTION REPORT 030-32555/2017-001 AND NOTICE OF VIOLATION – DATED
JUNE 14, 2017

Distribution:

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ADAMS ACCESSION NUMBER: ML17123A457

<input checked="" type="checkbox"/> SUNSI Review By: MRP	ADAMS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Sensitive <input checked="" type="checkbox"/> Non-Sensitive	<input type="checkbox"/> Non-Publicly Available <input checked="" type="checkbox"/> Publicly Available	Keyword NRC-002
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DATE	6/4/17			6/14/17

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