



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

June 1, 2018

Larry S. Kloepfer
Radiation Safety Officer
K & N Limited Partnership
P.O. Box 840
Paul, Idaho 83347

SUBJECT: NRC INSPECTION 030-35914/2018-001 AND NOTICE OF VIOLATION

Dear Mr. Kloepfer:

This letter refers to the unannounced inspection conducted on April 4, 2018, at your facility in Twin Falls, Montana. The inspection was an examination of activities conducted under your license as they relate to public health and safety, to confirm compliance with the U.S. Nuclear Regulatory Commission's (NRC) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of activities, and interviews with personnel.

The preliminary inspection findings were discussed with you at the conclusion of the onsite portion of the inspection on April 4, 2018. The NRC attempted to contact you on numerous occasions between April 12 and May 10, 2018, without success, to discuss the final results of the inspection.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy, which can be found at the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited and described in the enclosed Notice of Violation (Notice). The violations involved the failure to document the radiation protection program audit, and the failure to provide refresher training to hazmat employees at least every 3 years.

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 helpful in preparing your response. You can find the Information Notice on the NRC website at: <http://pbadupws.nrc.gov/docs/ML0612/ML061240509.pdf>. 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 review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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 personal privacy or proprietary information is necessary to provide an acceptable response, 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 information, 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 Title 10 of the *Code of Federal Regulations* (CFR) 2.390(b) to support a request for withholding confidential commercial or financial information).

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>.

Should you have any questions regarding this letter or the enclosed Notice, please contact Jason vonEhr at 817-200-1186, or the undersigned at 817-200-1455.

Sincerely,

/RA/

Michael C. Hay, Chief
Materials Licensing and Inspection Branch
Division of Nuclear Materials Safety

Docket: 030-35914
License: 11-27717-01

Enclosure:
Notice of Violation (Notice)

cc:
K. Martin, Radiation Control Program
Director, State of Idaho

K & N Limited Partnership
Twin Falls Office
751 Madrona Street South,
Twin Falls, ID 83301-8523

NRC INSPECTION REPORT 030-35914/2018-001 - DATED June 1, 2018

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ADAMS ACCESSION NUMBER: **ML18152B672**

SUNSI Review: ADAMS: Non-Publicly Available Non-Sensitive Keyword:
By: JEV Yes No Publicly Available Sensitive

OFFICE	HP:MLIB	C:MLIB				
NAME	JEvonEhr	MCHay				
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NOTICE OF VIOLATION

K & N Limited Partnership
Twin Falls, ID

Docket No. 030-35914
License No. 11-27717-01

During an NRC inspection conducted on April 4, 2018, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A) 10 CFR 20.2102 requires, in part, that each licensee shall maintain records of the radiation protection program, including audits and other reviews of program content and implementation.

Contrary to the above, from May 2012 to April 4, 2018, the licensee failed to document its reviews of the program.

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

- B) 10 CFR 71.5(a) requires, in part, that each licensee who transports licensed material outside of the site of usage, as specified in the NRC license, or where transport is on public highways, shall comply with the applicable requirements of the U.S. Department of Transportation regulations in 49 CFR Parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

49 CFR 172.704(c)(2) requires, in part, that a hazmat employee must receive the training required by 49 CFR Part 172, Subpart H, at least once every 3 years.

Contrary to the above, from January 2013 through April 2018, the licensee failed to provide hazmat employees the training required by 49 CFR Part 172, Subpart H, at least once every 3 years. Specifically, between January 2013 and April 2018, the licensee's two gauge users transported Class 7 (radioactive) hazardous material on numerous occasions outside of the site of usage, as specified in the NRC license, and the employees last received the required training in January 2013, a period greater than 3 years.

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

Pursuant to the provisions of 10 CFR 2.201, K & N Limited Partnership 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: (1) the reason for the violations, 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 reply 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

Enclosure

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.

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 or proprietary 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).

In accordance with 10 CFR 19.11, you may be required to post this Notice within 2 working days of receipt.

Dated this 1st day of June 2018