



UNITED STATES
NUCLEAR REGULATORY COMMISSION

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

November 20, 2018

David Alborn
President and Radiation Safety Officer
Alaska Excavating, LLC
4900 Fairbanks Street
Anchorage, AK 99503

SUBJECT: NRC INSPECTION 030-38548/2018-001 AND NOTICE OF VIOLATION

Dear Mr. Alborn:

This letter refers to the unannounced inspection conducted on October 22, 2018, at your storage locations in Anchorage and Palmer, Alaska. 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's) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of observations of storage activities, independent radiation surveys, and a telephonic interview with you. The preliminary inspection findings were discussed with you at the conclusion of the onsite portion of the inspection in Anchorage, Alaska on October 22, 2018. A final telephonic exit briefing was conducted with you on November 13, 2018.

Based on the results of this inspection, the NRC has determined that a Severity Level IV 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 <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited and described in the enclosed Notice of Violation (Notice) because it was identified by the NRC during the inspection. The violation involved the failure to confine the possession and use of byproduct material to the locations authorized on the license.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in a non-public letter dated October 24, 2018, requesting an amendment to your NRC license. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

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, should you choose to provide one, 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>.

D. Alborn

2

Should you have any questions regarding this letter or the enclosed Notice, please contact Jason vonEhr at 817-200-1186, or the undersigned at 817-200-1538.

Sincerely,

/RA/ JFK for

James Thompson, Chief
Materials Licensing and Inspection Branch
Division of Nuclear Materials Safety

Docket: 030-38548
License: 50-29442-01

Enclosure:
Notice of Violation (Notice)

cc:
Dr. Bernd Jilly, State Lab Director
State of Alaska Radiation Program

NRC INSPECTION REPORT 030-38548/2018-001 - DATED November 20, 2018

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X SUNSI Review ADAMS: Non-Publicly Available X Non-Sensitive Keyword:
 By: JEV X Yes No X Publicly Available Sensitive NRC-002

OFFICE	DNMS:MLIB	DNMS:C:MLIB				
NAME	JEvonEhr	JLThompson				
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NOTICE OF VIOLATION

Alaska Excavating, LLC
Anchorage, AK

Docket No. 030-38548
License No. 50-29442-01

During an NRC inspection conducted on October 22, 2018, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 30.34(c) requires, in part, that licensees confine its possession and use of byproduct material to the locations authorized in the license.

Contrary to the above, from March 9, 2018, to October 22, 2018, the licensee failed to confine its possession and use of byproduct material to the locations authorized in the license. Specifically, from March 9, 2018, to October 22, 2018, the licensee stored licensed byproduct material at a storage lot outside of Palmer, Alaska, and that location was not authorized for the storage of licensed byproduct material on the NRC license.

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

The NRC has concluded that 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 was achieved, is already adequately addressed on the docket in a non-public letter dated October 24, 2018, requesting an amendment to your NRC license.

However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it 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 East Lamar Blvd., Arlington, Texas 76011-4511 within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you choose to respond, 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>. Therefore, to the extent possible, the response should not include any personal privacy or proprietary information so that it can be made available to the Public without redaction.

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

Dated this 20th of November 2018

Enclosure