



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

February 13, 2020

EA-19-127

Ms. Glenda JC Radvansky, P.E.
Engineering Manager
Municipality of Anchorage
4700 Elmore Road
Anchorage, AK 99507

SUBJECT: NOTICE OF VIOLATION, NRC INSPECTION REPORT 030-20410/2019-001

Dear Ms. Radvansky:

This letter refers to the unannounced routine inspection conducted on August 28-29, 2019, at your facilities in Anchorage, Alaska. The purpose of the inspection was to examine activities conducted under your license as they relate to public health and safety and to confirm compliance with the U.S. Nuclear Regulatory Commission's (NRC's) rules and regulations and with the conditions of your license. A final exit briefing was conducted telephonically with you and members of your staff on December 10, 2019, and the details regarding the apparent violations were provided in NRC Inspection Report 030-20410/2019-001, dated December 18, 2019, NRC's Agencywide Documents Access and Management System (ADAMS) Accession ML19360A077.

In the letter transmitting our inspection report, we provided you with the opportunity to address the apparent violations by either attending a predecisional enforcement conference, requesting alternative dispute resolution, or providing a written response before we made our final enforcement decision. In a letter dated January 15, 2020 (ADAMS Accession ML20023A207), you provided a written response to the apparent violations.

Based on the information developed during the inspection and the information that you provided in your response to the inspection report dated December 18, 2019, the NRC has determined that five violations of NRC requirements occurred. These violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report. The violations involved the failures to: (A) have the individual named on the license fulfilling the duties and responsibilities of the radiation safety officer (RSO); (B) conduct a physical inventory every 6 months to account for all sources and devices; (C) use a correct identification number for the hazardous material description on the U.S. Department of Transportation shipping papers; (D) implement the NRC's Model Operating and Emergency Procedures; and (E) perform annual reviews of the radiation protection program.

The NRC considers Violation A above to be a significant violation because it involves the RSO. The individual named as the RSO on an NRC license and approved by the NRC has the authority and qualifications to execute the duties of the position and thereby provide a basis for confidence to the NRC that the licensee will use radioactive materials in a safe and secure

manner. The failure to have this individual in the position, or another qualified individual in this position, creates a substantial potential for other regulatory violations with safety or security significance to occur without identification or correction. Therefore, Violation A has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. The Enforcement Policy can be found on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

The NRC considers Violations B, C, D, and E above to be low safety significance violations and thus has categorized them in accordance with the NRC Enforcement Policy at Severity Level IV. These violations are being cited as Severity Level IV rather than as non-cited violations because they were identified by the NRC during an inspection.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$7,500 is considered for a Severity Level III violation.

Because your facility has not been the subject of escalated enforcement actions within the last two inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the NRC Enforcement Policy. The NRC has determined that *Corrective Action* credit is warranted for your prompt and comprehensive corrective actions that included: qualifying and naming a new, permanent RSO; submitting a request to amend your license to name the new RSO; creating an internal written policy that identifies all the responsibilities of the RSO in a clear and concise format; and developing a procedure that directs specific actions to be taken should the current RSO depart.

Therefore, to encourage prompt and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III violation constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC has concluded that information regarding: (1) the reason for the violations; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance will be achieved is already adequately addressed on the docket in your letter dated January 15, 2020, and NRC Inspection Report 030-20410/2019-001. 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, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's ADAMS, accessible from the website 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. The NRC also includes significant enforcement actions on its website at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

If you have any questions concerning this matter, please contact Ms. Patricia Silva of my staff at 817-200-1455.

Sincerely,

/RA/

Scott A. Morris
Regional Administrator

Docket No. 030-20410
License No. 50-15852-02

Enclosure:
Notice of Violation

cc w/Enclosure:
Irene Casares
State of Alaska Radiation Program

NOTICE OF VIOLATION, NRC INSPECTION REPORT 030-20410/2019-001- DATED
 FEBRUARY 13, 2020

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Cvr Ltr & All Encl: ADAMS ACCESSION NUMBER: **ML20054C274**

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

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NOTICE OF VIOLATION

Municipality of Anchorage
Anchorage, Alaska

Docket No. 030-20410
License No. 50-15852-02
EA-19-127

During an NRC inspection conducted on August 28-29, 2019, five violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 12 of NRC Materials License 50-15852-02, Amendment 5 authorized a named individual as the Radiation Safety Officer (RSO) for the license.

Contrary to the above, from September 30, 2017, to January 6, 2020, the licensee failed to have the individual named on the license as the RSO. Specifically, the RSO listed on the license retired on September 30, 2017, and the license was not amended to name a new RSO to fulfill the duties and responsibilities of the RSO until January 7, 2020.

This is a Severity Level III violation (NRC Enforcement Policy Section 6.3.c.11.d).

- B. License Condition 15 of NRC Materials License 50-15852-02, Amendment 5 requires, in part, that the licensee conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license.

Contrary to the above, from June 23, 2015, to August 29, 2019, the licensee failed to conduct a physical inventory every 6 months to account for all sources and/or devices received and possessed under the license. Specifically, the licensee conducted five documented physical inventories, however the time periods between the physical inventories were in excess of the required 6 months.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.3.d.3).

- C. 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 177.817(a) requires, in part, that a person may not accept a hazardous material for transportation or transport a hazardous material by highway unless that person has received a shipping paper prepared in accordance with 49 CFR Part 172.

49 CFR 172.202(a)(1) requires, in part, that the shipping description of the hazardous material on the shipping paper must include the identification number prescribed for the material as shown in Column (4) of the 49 CFR 172.101 table.

Contrary to the above, from November 4, 2014, to August 29, 2019, the licensee failed to prepare shipping papers that included a shipping description of the hazardous material on the shipping papers that included the identification number prescribed for the

Enclosure

material as shown in Column (4) of the 49 CFR 172.101 table. Specifically, the licensee's shipping papers included an incorrect identification number.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.8.d).

- D. License Condition 21.B of NRC Materials License 50-15852-02, Amendment 5 requires, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, contained in the application dated September 2, 2011.

The application dated September 2, 2011, requires, in part, that the licensee implement and maintain the "Operating, Emergency and Security Procedures" described in the errata sheet to Appendix H of NUREG-1556, Volume 1, Revision 1, and provide copies of these procedures to all gauge users and each job site.

Contrary to the above, from November 4, 2014, to August 29, 2019, the licensee failed to implement and maintain the "Operating, Emergency and Security Procedures" described in the errata sheet to Appendix H of NUREG-1556, Volume 1, Revision 1, and provide copies of these procedures to all gauge users and each job site. Specifically, the licensee maintained an alternative set of procedures that was substantially different to the procedures describe above.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.3.d.3).

- E. 10 CFR 20.1101(c) requires that the licensee periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, from January 1, 2017, to February 12, 2019, the licensee failed to periodically (at least annually) review the radiation protection program content and implementation.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.3.d.3).

The NRC has concluded that information regarding: (1) the reason for the violations; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance will be achieved is already adequately addressed on the docket in your letter dated January 15, 2020, and NRC Inspection Report 030-20410/2019-001.

However, if the description therein does not accurately reflect your position or your corrective actions, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 within 30 days of the date of the letter transmitting this Notice of Violation (Notice). In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation; EA-19-127," and send it to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 with a copy to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, and the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511.

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 ADAMS, accessible from the website 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.

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

Dated this 13th day of February 2020