



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

April 1, 2020

Mr. Travis Wyatt
Radiation Safety Officer
Element Technical Services, LLC
675 Hereford Lane
Casper, Wyoming 82609

SUBJECT: NRC INSPECTION 030-39167/2020-001 AND NOTICE OF VIOLATION

Dear Mr. Wyatt:

This letter refers to the announced initial inspection conducted on February 4, 2020, at your facility in Casper, Wyoming, with in-office reviews through March 2, 2020. 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 a selected examination of procedures and representative records, independent radiation surveys, and interviews with personnel.

The preliminary inspection findings were discussed with you and Dallas Lequyer, a quality health, safety, and environment representative, at the conclusion of the onsite portion of the inspection on February 4, 2020. A final telephonic exit briefing was conducted with you and Mr. Lequyer on March 6, 2020.

Based on the results of this inspection, the NRC has determined 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) because they were identified by the NRC during the inspection. The violations involved the failure to: (1) provide radiation safety training at least equal to the criteria listed in Section 8.7.2 "Authorized Users," of NUREG-1556, Volume 4, Revision 1; and (2) develop, implement, and maintain operating, emergency, and security procedures that will meet the criteria in Section 8.10.6 "Operating, Emergency and Security Procedures," of NUREG-1556, Volume 4, Revision 1, including those addressing the use of fixed gauges at temporary job sites.

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 violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance will be (was) achieved

T. Wyatt

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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.

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,

Patricia A.
Silva

Digitally signed by
Patricia A. Silva
Date: 2020.04.01
08:16:57 -05'00'

Patricia A. Silva, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket: 030-39167
License: 49-35541-01

Enclosure:
Notice of Violation (Notice)

cc:
Doug Gumm
Radiological Services Manager
Wyoming Office of Homeland Security
5500 Bishop Blvd.
Cheyenne, WY 82009

NRC INSPECTION REPORT 030-39167/2020-001 - DATED APRIL 1, 2020

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ADAMS ACCESSION NUMBER:

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

OFFICE	HP:MIB	C:MIB				
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NOTICE OF VIOLATION

Element Technical Services, LLC
Casper, Wyoming

Docket No. 030-39167
License No. 49-35541-01

During an NRC inspection conducted on February 4, 2020, with in-office review through March 2, 2020, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 24.A of NRC Materials License 49-35541-01, Amendment 1, dated August 22, 2019, 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 March 19, 2019.

The application dated March 19, 2019, required, in part, that before using licensed materials, authorized users will have successfully completed one of the training courses described in the "Criteria" part of the section titled, "Authorized Users," in NUREG-1556, Volume 4, Revision 1.

NUREG-1556, Volume 4, Revision 1, Section 8.7.2, "Authorized Users," requires that authorized users have adequate training and experience in the use of fixed gauges, which must include, at a minimum, either (A) the fixed gauge manufacturer's or distributor's course for users; or (B) an equivalent course that meets the criteria in Appendix D of NUREG-1556, Volume 4, Revision 1.

Contrary to the above, from June 24, 2019 to February 4, 2020, the licensee failed to ensure that authorized users successfully completed either (A) the fixed gauge manufacturer's or distributor's course for users; or (B) an equivalent course that meets the criteria in Appendix D of NUREG-1556, Volume 4, Revision 1. Specifically, the licensee provided in-house classroom and on-the-job training that did not include several elements from Appendix D of NUREG-1556, Volume 4, Revision 1, including but not limited to: radiation safety elements (radiation vs. contamination, internal vs. external exposure, location of the sealed source within the gauge) and regulatory requirements (applicable regulations, license conditions, amendments, and renewals; prior events involving fixed gauges; the need for complete and accurate information; employee protection; and deliberate misconduct).

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

- B. License Condition 24.A of NRC Materials License 49-35541-01, Amendment 1, dated August 22, 2019, 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 March 19, 2019.

The application dated March 19, 2019, required, in part, that operating, emergency, and security procedures would be developed, implemented, maintained, and distributed, and will meet the criteria in Section 8.10.6, "Operating, Emergency, and Security Procedures," in NUREG-1556, Volume 4, Revision 1.

Enclosure

NUREG-1556, Volume 4, Revision 1, Section 8.10.6 "Operating, Emergency, and Security Procedures," requires, in part, that the licensee develop, implement, and maintain operating procedures that contain the following elements for each type of fixed gauge:

- 1) Instructions for using the gauge, including use at temporary jobsites,
- 2) Instructions to ensure that nonroutine operations, such as gauge installation, initial radiation survey, repair and maintenance of components related to the radiological safety of the gauge, gauge relocation, replacement and disposal of sealed sources, gauge alignment, or removal of a gauge from service, are performed by the manufacturer, distributor or person specifically authorized by the NRC or an Agreement State, and
- 3) Steps to ensure that radiation warning signs are visible and legible.

Contrary to the above, from June 24, 2019, to February 4, 2020, the licensee failed to develop, implement, maintain, distribute, and meet the criteria in Section 8.10.6, "Operating, Emergency, and Security Procedures," in NUREG-1556, Volume 4, Revision 1. Specifically, the licensee failed to include the elements described above in its Operating and Emergency procedures.

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

Pursuant to the provisions of 10 CFR 2.201, Element Technical Services, LLC 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 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 April 2020