



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

April 28, 2021

EA-21-013

Mr. Toetau Pouifi Tufuga  
Radiation Safety Officer  
McConnell Dowell (American Samoa) Ltd.  
PO Box 4664  
Pago Pago, AS 96799

SUBJECT: RESPONSE TO NUCLEAR REGULATORY COMMISSION INSPECTION REPORT  
030-38318/2020-001; NOTICE OF VIOLATION AND EXERCISE OF  
ENFORCEMENT DISCRETION

Dear Mr. Tufuga:

On March 16, 2021, the U.S. Nuclear Regulatory Commission's (NRC) cited McConnell Dowell (American Samoa) Ltd. for one Severity Level IV violation involving the failure to confine the possession and use of the byproduct material to the locations and purposes authorized in the license as required by 10 CFR 30.34(c). NRC Inspection Report 030-38318/2020-001 with enclosed Notice of Violation (Notice) required a written reply within 30 days (NRC Agencywide Documents Access and Management System (ADAMS) Accession No. ML21075A347). In a letter dated March 18, 2021, you provided a reply to the Notice (ADAMS Accession No. ML21104A394). The letter indicated that you would provide a second, more detailed response and the conclusions of your review of your program. In an email dated April 27, 2021, you provided additional information regarding the reasons for the violation and your corrective actions (ADAMS Accession No. ML21117A420).

After reviewing the information provided in your reply to the notice, we have concluded that your completed and proposed actions appear to adequately address the regulatory non-compliances described in the notice. We will review your implementation of these corrective actions during a future inspection to determine whether full compliance has been restored and whether compliance will be maintained.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedures," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's ADAMS, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather J. Gepford". The signature is fluid and cursive, with a large loop at the end.

Heather J. Gepford, PhD., CHP, Chief  
Materials Licensing & Decommissioning Branch  
Division of Nuclear Materials Safety

Docket No. 030-38318

License No. 56-29396-01

Control No. 621331

SUBJECT: RESPONSE TO NUCLEAR REGULATORY COMMISSION INSPECTION REPORT  
 030-38318/2020-001; NOTICE OF VIOLATION AND EXERCISE OF ENFORCEMENT  
 DISCRETION- DATED - APRIL 28, 2021

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ADAMS ACCESSION NUMBER: **ML21118A823**

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

OFFICE	MLDB	BC:MLDB				
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