



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

September 17, 2021

Mr. Kyle Turpin
Radiation Safety Officer
JFC Engineering and Surveyors
1682 Sunset Drive
Rock Springs, WY 82901

SUBJECT: NRC INSPECTION REPORT 030-36845/2021-001 AND NOTICE OF VIOLATION

Dear Mr. Turpin:

This letter refers to the inspection conducted onsite on July 21, 2021 at your storage facility located at 890 Powerhouse Drive in Rock Springs, Wyoming with continued in-office review through September 13, 2021. The inspection examined activities conducted under your license as they relate to safety and security, to compliance with the U.S. Nuclear Regulatory Commission's (NRC) rules and regulations, and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. A preliminary exit was conducted with you on July 21, 2021 at the conclusion of the onsite inspection. A final exit was conducted with you telephonically on September 14, 2021.

Based on the results of this inspection, the NRC has determined that four Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy, which can be found at the NRC's Web site at: <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited in the enclosed Notice of Violation (Notice) because they were identified by the NRC during the inspection. These violations involved the failure to: (1) perform leak tests on the portable gauges at the frequency required by the NRC; (2) conduct semiannual inventories for your portable gauges; (3) periodically (at least annually) review the radiation protection program; and (4) maintain a log book for gauge accountability.

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. You can find the Information Notice on the NRC website at: <https://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>. The NRC will review 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, should you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

K. Turpin

2

Should you have any questions concerning this inspection, please contact Ms. Marti Poston-Brown at (817) 200-1181 or the undersigned at (817) 200-1455.

Sincerely,



Signed by Roldan-Otero, Lizette
on 09/17/21

Lizette Roldán-Otero, PhD, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-36845
License No. 49-27798-01

Enclosure:
Notice of Violation (Notice)

cc w/enclosure:
David Adams, CHP
Program Manager
Wyoming Department of
Environmental Quality
Land Quality Division
200 West 17th St., Suite 10
Cheyenne, WY 82002

SUBJECT: NRC INSPECTION REPORT 030-36845/2021-001 AND NOTICE OF VIOLATION
DATED SEPTEMBER 17, 2021

DISTRIBUTION:

SMorris,ORA
JMonninger, DRA
MMuessle, D/DNMS
LHowell, DD/DNMS
R4DNMS_MIB

ADAMS ACCESSION NUMBER: **ML21259A262**

xSUNSI Review: ADAMS:

By: MPB ☒ Yes ☐ No ☒ Publicly Available and non-sensitive

OFFICE	NMSS/DUWP/URMDB	C:MIB				
NAME	MPoston-Brown	LRoldanOtero				
SIGNATURE	MRP1	LRO				
DATE	9/16/21	9/17/21				

OFFICAL RECORD COPY

NOTICE OF VIOLATION

JFC Engineering and Surveyors
Rock Springs, WY

Docket No. 030-36845
License No. 49-27798-01

During an NRC inspection conducted on July 21, 2021, four violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. License Condition 13.A of radioactive material license 49-27798-01 Amendment 8, issued May 9, 2017 states in part that, sealed source shall be tested for leakage and contamination at intervals not to exceed the intervals specified in the certificate of registration issues by the U.S. Nuclear Regulatory Commission under 10 CFR 32.210 or by an Agreement State.

The registration certificate for the Troxler Portable Gauge Model #3400 NC-646-D-130-S issued April 4, 2007 by an North Carolina, an Agreement State specifies a leak test frequency of 12 months.

Contrary to the above, between February 24, 2016 and April 3, 2018, the licensee failed to conduct leak tests on all four gauges in their possession. At least two of these four gauges were used during this period. Specifically, leak tests were not conducted for Gauge #1 (serial number 34977) from August 4, 2015 to March 17, 2021; Gauge #2 (serial number 36973) from February 24, 2016 to April 30, 2018; Gauge 3 (serial number 37709) from February 27, 2015 to March 17, 2021, and Gauge 4 (serial number 36168) from February 24, 2016 to April 3, 2018. Based on use logs, which the licensee discontinued on September 23, 2017, Gauge 3 was used from June 28, 2016 to August 17, 2016 and from June 5, 2017 to August 23, 2017 and Gauge 4 was used from June 20, 2017 to September 23, 2017 without a current leak test.

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

- B. License Condition 15 of radioactive material license 49-27798-01 Amendment 8, issued May 9, 2017 states that, the licensee shall conduct a physical inventory every 6 months or at other intervals approved by the U.S. Nuclear Regulatory Commission, to account for all sealed sources and/or device received, and possessed under the license. Records of inventories shall be maintained for 3 years from the date of each inventory.

Contrary to the above, from November 17, 2015 to July 21, 2021, the licensee failed to conduct a physical inventory every 6 months. Specifically, the licensee conducted inventory when the annual leak tests were not performed as follows: (1) No inventories were performed in calendar year 2017 for any of the four gauges; and (2) Two of the four gauges were not inventoried for calendar years 2016, 2018, 2019 and 2020.

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

Enclosure

- C. 10 CFR 20.1101(c) states that, the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above from November 11, 2015 to July 21, 2021 the licensee failed to conducted periodic (at least annual) reviews of the radiation protection program content and implementation.

This is a Severity Level IV violation (Section 6.7.d)

- D. License Condition 19 of radioactive material license 49-27798-01 Amendment 8, issued May 9, 2017 states in part that, “unless specifically provided otherwise in this license, the licensee shall conduct its program in accordance with the statements, representations and procedures contained in the documents, including enclosures listed “ The application for license renewal dated February 9, 2015 is listed as document “A” under License Condition 19.

In the license application dated February 9, 2015, the licensee used the suggested format for completion of items 5-11 of NRC Form 313, provided as Appendix B to NUREG-1556 Volume 1, Revision 1., “Program-Specific Guidance About Portable Gauge License,” Section 10, “Radiation Safety Program – Operating and Emergency Procedures.” The NUREG-1556 allows the licensee to commit to using the proposed procedures in Appendix H of the NUREG or submitting their own procedures. The licensee committed to using the Appendix H procedures.

The Appendix H Section titled “Operating Procedures,” third bullet states “sign out the gauge in a logbook (that remains at the storage location) including the date(s) of use, name of the authorized users who will be responsible for the gauge and the temporary jobsite where the gauge will be used.” The 16th bullet states “log the gauge into the daily use log when it is returned to storage.”

Contrary to the above, after September 23, 2017, the licensee failed to sign out the gauge in a logbook (that remains at the storage location) including the date(s) of use, name of the authorized users who will be responsible for the gauge and the temporary jobsite where the gauge will be used, and failed to log the gauge into the daily use log when it was returned to storage. Specifically, after September 23, 2017, the licensee discontinued the use of log books to track use of the gauges.

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

Pursuant to the provisions of 10 CFR 2.201, JFC Engineering and Surveyors, 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 violation, 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 to avoid further violations, 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 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, U.S. 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 website 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. 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 17th day of September 2021