



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

April 18, 2022

Mr. Kevin Koesel
Radiation Safety Officer
James A. Sewell & Associates, LLC
600-4th Street West
Newport, WA 99156

SUBJECT: NRC INSPECTION REPORT NO. 030-34842/2022-001 AND NOTICE OF VIOLATION

Dear Mr. Koesel:

This letter refers to the routine inspection conducted on March 3, 2022, at your facility in Sandpoint, Idaho and continued on March 4, 2022, at your facility in Newport, Washington. 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, and interviews with personnel. A final telephonic exit briefing was conducted with you on April 12, 2022.

Based on the results of this inspection, the NRC has determined that three Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy, which is included on the NRC's website at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations involved the failure to: (1) ensure hazmat employees receive recurrent hazmat training at least every 3 years in accordance with Title 49 of the *Code of Federal Regulations* (CFR) Part 172 Subpart H; (2) obtain the NRC's written consent prior to a change of control associated with NRC License 46-27605-01; and (3) demonstrate that licensed operations did not exceed the annual dose limit in 10 CFR 20.1301.

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 useful in preparing your response. You can find the Information Notice on the NRC Web site at: <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/info-notices/1996/in96028.html>.

Information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be or was achieved should be addressed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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, 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 information, 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 the NRC's "Rules of Practice" in 10 CFR 2.390, a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC's Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made publicly available without redaction.

Please feel free to contact Ms. Allyce Bolger or Mr. Kyle Bischoff if you have any questions regarding this inspection. Ms. Allyce Bolger can be reached at 817-200-1197 or allyce.bolger@nrc.gov and Mr. Bischoff can be reached at 817-200-1259 or kyle.bischoff@nrc.gov.

Sincerely,



Signed by Roldan-Otero, Lizette
on 04/18/22

Lizette Roldán-Otero, PhD, Chief
Materials Inspection Branch
Division of Radiological Safety and Security

Docket No. 030-34842
License No. 46-27605-01

Enclosure:
Notice of Violation

cc w/Enclosure:
Mark Dietrich, Administrator
Technical Services Division
Idaho Department of Environmental Quality
Mark.Dietrich@deq.idaho.gov

SUBJECT: NRC INSPECTION REPORT NO. 030-34842/2022-001 AND NOTICE OF VIOLATION DATED APRIL 18, 2022

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ADAMS ACCESSION NUMBER: **ML22108A193**

SUNSI Review: ADAMS: Non-Publicly Available and Sensitive
By: KCB Yes No Publicly Available and non-sensitive

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| OFFICE | HP:MIB | HP:MIB | C:MIB | | | |
| NAME | ABolger | KBischoff | LRoldánOtero | | | |
| SIGNATURE | /RA/ | /RA/ | LRO | | | |
| DATE | 04/12/2022 | 04/12/2022 | 4/14/2022 | | | |

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

James A. Sewell & Associates, LLC
Sandpoint, Idaho

License No. 46-27605-01
Docket No. 030-34842

During an NRC inspection conducted on March 3, 2022, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 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, 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.

49 CFR 172.704(c)(2) requires, in part, that a hazmat employee must receive the training required by 49 CFR Part 172 Subpart H at least once every three years.

Contrary to the above, on at least February 10 and 28, 2022, the licensee failed to provide the training required by 49 CFR Part 172 Subpart H to a hazmat employee at least once every three years. Specifically, a hazmat employee who last received the training required by 49 CFR Part 172 Subpart H in 1998, transported a portable gauge containing Class 7 (radioactive material) on February 10 and 28, 2022, a period which exceeded three years.

This is a Severity Level IV violation (Section 6.3.d.4).

- B. 10 CFR 30.34(b)(1) requires, in part, that no license issued or granted pursuant to the regulations shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing.

Contrary to the above, on January 1, 2021, the license failed to receive the Commission's consent in writing prior to completing a transfer of control of NRC License No. 46-27605-01. Specifically, on January 1, 2021, the former owner of James A Sewell & Associates, LLC, transferred control of the license, through the sale of the business, without receiving the Commission's consent in writing.

This is a Severity Level IV violation (Section 6.3.d.7)

- C. 10 CFR 20.1302(b)(2) requires, in part, that a licensee shall show compliance with the annual dose limit in 10 CFR 20.1301 by demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed operation does not exceed the annual dose limit.

Contrary to the above, on March 3, 2022, the licensee failed to demonstrate by measurement or calculation its compliance with the annual dose limit in 10 CFR 20.1301. Specifically, the licensee failed to demonstrate by measurement or calculation that the total effective dose equivalent to the individual in the office adjacent

Enclosure

to the storage location of licensed material, and likeliest to receive the highest dose, does not exceed the annual limit.

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

Pursuant to the provisions of 10 CFR 2.201, James A. Sewell & Associates, 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 Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission Region IV, 1600 E. Lamar Blvd., Arlington, Texas 76011, and emailed to Lizette.Roldan-Otero@nrc.gov 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; in NRC Inspection Report 030-34842/2022-001" and should include, for each violation: (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; and (4) the date when full compliance will be achieved.

Your response may reference or include previously 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 18th of April 2022