



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION IV  
611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-4005**

December 7, 2004

Mr. Michael McIntire  
President  
Southwest X-Ray Corporation  
P.O. Box 130  
Glenrock, Wyoming 82637

SUBJECT: NRC INSPECTION REPORT 030-32768/04-001 AND NOTICE OF VIOLATION

Dear Mr. McIntire:

This refers to the inspection conducted on November 18, 2004, at your facility in Casper, Wyoming, and a temporary jobsite location at 3999 Salt Creek Highway, Casper, Wyoming. This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, performance of licensed activities, and interviews with personnel. The inspection findings were discussed with you at the conclusion of the onsite portion of the inspection on November 18, 2004, and during a final telephonic exit briefing on November 23, 2004.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. This violation was evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600 (enclosed). The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail. This violation is being cited in the Notice because it was identified by the NRC during the inspection.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, an excerpt from NRC Information Notice 96-28, "SUGGESTED GUIDANCE RELATING TO DEVELOPMENT AND IMPLEMENTATION OF CORRECTIVE ACTION," is enclosed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," 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 Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Please note that on October 25, 2004, the NRC suspended public access to ADAMS, and initiated an additional security review of publicly available documents to ensure that potentially sensitive information is removed from the ADAMS database accessible through the NRC's web

site. Interested members of the public may obtain copies of the referenced documents for review and/or copying by contacting the Public Document Room pending resumption of public access to ADAMS. The NRC Public Document Room is located at NRC Headquarters in Rockville, MD, and can be contacted at 800-397-4209 or 301-415-4737 or [pdr@nrc.gov](mailto:pdr@nrc.gov).

Should you have any questions concerning this inspection, please contact James Thompson at (817) 276-6538 or the undersigned at (817) 860-8287.

Sincerely,

***/RA JEWhitten for/***

Mark R. Shaffer, Chief  
Nuclear Materials Inspection Branch

Docket No.: 030-32768  
License No.: 49-27434-01

Enclosures:

1. Notice of Violation
2. NRC Information Notice 96-28
3. NRC Enforcement Policy, NUREG-1600

cc w/Enclosure 1:  
Wyoming Radiation Control Program Director

bcc w/Enclosure 1 (via ADAMS distrib):

MASatorius

MRShaffer

CLCain

JEWhitten

JLThompson

KEGardin

NMIB

RIV Materials Docket File (5<sup>th</sup> floor)

ADAMS: X Yes      ☐ No      Initials: JLT  
X Publicly Available    ☐ Non-Publicly Available    ☐ Sensitive    X Non-Sensitive

DOCUMENT NAME: s:\dnms\nmib\!thompson\43276801.wpd

RIV:DNMS:NMIB	C:NMIB
JLThompson	MRShaffer
<b>/RA/</b>	<b>/RA JEWhitten for/</b>
12/07/04	12/07/04

OFFICIAL RECORD COPY

T=Telephone

E=E-mail

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## **ENCLOSURE 1**

### NOTICE OF VIOLATION

Southwest X-Ray Corporation  
Casper, Wyoming

Docket No. 030-32768  
License No. 49-27434-01

During an NRC inspection conducted on November 18, 2004, one violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 34.47(a) requires, in part, that the licensee may not permit any individual to act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, each individual wears, on the trunk of the body, a direct reading dosimeter. 10 CFR 34.47(a)(1) states, in part, that the dosimeter must be recharged at the start of each shift.

Contrary to the above, the licensee permitted an individual to act as a radiographer's assistant while conducting radiographic operations that was wearing a direct reading dosimeter that had not been recharged at the start of the shift. Specifically, during a temporary jobsite inspection on November 18, 2004, the inspector determined that a radiographer's assistant had not recharged his pocket dosimeter at the beginning of the work shift for that day.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Southwest X-Ray Corporation is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Regional Administrator, Region IV, at 611 Ryan Plaza Drive, Suite 400, 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 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 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, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should

not include any personal privacy, proprietary, or safeguards 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). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

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

Dated this 7<sup>th</sup> day of December 2004