



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

December 31, 2013

Docket No. 03035574

License No. 47-25543-01

James Beckley
Superintendent
Argus Energy WV, LLC
P. O. Box 191
Dunlow, WV 25511

SUBJECT: NRC INSPECTION REPORT NO. 03035574/2013001, ARGUS ENERGY WV, LLC, AND NOTICE OF VIOLATION

Dear Mr. Beckley:

On December 10, 2013, Sattar Lodhi of this office conducted a safety inspection at your facility located at 3026 Big Sandy Road, Kenova, West Virginia, of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. The findings of the inspection were discussed with you and Don Saxton of your organization at the conclusion of the inspection.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation involved the failure to notify the NRC and request an amendment to the license when the individual named on the license as the Radiation Safety Officer (RSO) left the licensee.

The violation is cited in the enclosed Notice of Violation (Notice), because the violation was identified by the NRC.

During the exit meeting at the end of the inspection on December 10, 2013, you indicated that the violation occurred because of an oversight and that another qualified individual was available at the facility to perform the responsibilities of the RSO. You also provided the inspector with the documentation of training of the individual and a letter dated December 10, 2013, requesting an amendment to your license to name the individual as the RSO on the license. You stated that you have taken corrective and preventative actions to address the violation and that Argus Energy WV, LLC is committed to radiation safety and to compliance with NRC regulations and licensed conditions.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken is already adequately addressed in our records. Therefore, you are not required to respond to this letter unless the description of your corrective actions in this letter does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website 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 available to the Public without redaction.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Sattar Lodhi of this office at (610) 337 5364 if you have any questions regarding this matter.

Sincerely,

Original signed by Blake D. Welling

Blake Welling, Chief
Materials Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Don Saxton, Radiation Safety Officer
State of West Virginia

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Sincerely,

Original signed by Blake D. Welling

Blake Welling, Chief
Materials Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Don Saxton, Radiation Safety Officer
State of West Virginia

Distribution:
D. J. Holody, RI

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SUNSI Review Complete: SLodhi

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OFFICE	DNMS/RI	N	DNMS/RI		DNMS/RI		
NAME	SLodhi/sl		BWelling/bw				
DATE	12/31/2013		12/31/2013				

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Argus Energy WV, LLC
Dunlow, WV

Docket No. 03035574
License No. 47-25543-01

During an NRC inspection conducted on December 10, 2013, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

- A. Condition 12 of NRC License No. 47-25543-01 states that the Radiation Safety Officer for this license is Roger Vanover.

Contrary to the above, Roger Vanover retired on July 26, 2013, and left the employ of the licensee, and as of December 9, 2013, the licensee did not request an amendment to its license to name another individual as the Radiation Safety Officer on the license.

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

The NRC has concluded that 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 achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated This 31 day of December 2013