



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION IV
1600 E. LAMAR BLVD.
ARLINGTON, TX 76011-4511

February 2, 2018

Mr. Travis Snowder
President/Chief Executive Officer
Qal-Tek Associates, LLC
3998 Commerce Circle
Idaho Falls, ID 83401

SUBJECT: NRC INSPECTION REPORT 030-34866/2017-002 AND NOTICE OF VIOLATION

Dear Mr. Snowder:

This letter refers to the inspection conducted on October 30, 2017 through November 2, 2017, at your facility in Idaho Falls, Idaho, with in-office review through January 18, 2018. 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) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of facilities and equipment, independent radiation measurements, and interviews with personnel. The preliminary inspection findings were discussed with you and other members of your staff at the conclusion of the onsite inspection on November 2, 2017. A final telephonic exit briefing was conducted with you and other members of your staff on January 18, 2018.

Based on the results of this inspection, the NRC has determined that violations of NRC requirements occurred. The violations are being cited because they were identified by the NRC during the inspection. These violations are cited in two enclosed Notices of Violation (Notice). Because one or more of the violations involves security-related information, only the health and safety violations cited in Enclosure 1 will be made publicly available. These violations have been categorized as a Severity Level IV violations in accordance with the NRC Enforcement Policy, which is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

One of the violations cited in Enclosure 1 involves the failure to provide a radiation monitor to detect the presence of high radiation levels in the radiation room of a panoramic irradiator before personnel entry. The second violation cited in Enclosure 1 involves a box-type irradiator that had been in storage and was placed back into service to perform instrument calibrations. However, prior to the testing, operation, and use of the irradiator, a procedure by which the irradiator was to be operated was not prepared. Your Radiation Safety Officer did not perform

Enclosure 2 contains security-related information. When separated from Enclosure 2, this letter and Enclosure 1 are decontrolled.

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and document a hazards analysis for the proposed activities. Furthermore, your Radiation Safety Committee (RSC) did not evaluate this activity to assure readiness and that adequate work controls were in place prior to commencing operations. For both irradiators, the inspectors observed potential safety issues and your Radiation Safety Officer took immediate steps to address the concerns. Although Qal-Tek Associates, LLC, has an NRC service provider-type license, the NRC license authorizes certain broad scope-type flexibilities. When these flexibilities were put in place, consideration was given to your prior years of safe operating experience and prior history of good regulatory performance. These flexibilities allow Qal-Tek Associates, LLC, certain decision-making authority, as long as specified processes are followed to assure that changes made by the licensee are in accordance with the NRC's regulatory requirements, will not change the NRC license conditions, and will not decrease the effectiveness of the licensee's Radiation Safety Program. In developing your corrective actions, please address any steps that have been or will be taken to assure that, given the broad scope-type flexibilities authorized in your NRC license, that your organization, management, administrative controls, and procedures are sufficient to assure that the terms and conditions of your NRC license are being fulfilled and that safety will be maintained.

The security-related violation(s), cited in the non-public Enclosure 2, involved one or more failures associated with the security requirements in Title 10 of the *Code of Federal Regulations* (CFR) Part 37.

The NRC has also determined that one additional Severity Level IV violation of NRC requirements occurred. License Condition 20 of NRC License 11-27610-01, Amendment No. 25, dated November 16, 2015, requires, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed in the license. Letter dated May 18, 2009, provides the licensee's RSC Charter. The RSC Charter states, in part, that RSC meetings will be held at least once per quarter. The licensee's RSC failed to meet during the first quarter of calendar year 2017. The licensee self-identified this violation and took prompt corrective actions. Specifically, an RSC meeting was held on April 6, 2017. The violation was self-identified, corrected, not repetitive, and was not willful. Therefore this violation is being treated as a Non-Cited Violation (NCV), consistent with Section 2.3.2 of the NRC Enforcement Policy. No response to this NCV is required. However, if you contest the violation or significance of the NCV, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to: (1) the Regional Administrator, Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011; and (2) the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notices 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 in preparing your response. You can find the Information Notice on the NRC website at: <http://pbadupws.nrc.gov/docs/ML0612/ML061240509.pdf>. 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 (was) achieved should be addressed. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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If Security Related Information is necessary to provide an acceptable response, please mark your entire response Security-Related Information in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

Should you have any questions regarding this letter or the enclosed Notice, please contact Dr. Janine F. Katanic, CHP, at 817-200-1151 or the undersigned at 817-200-1455.

Sincerely,

/RA/

Michael C. Hay, Chief
Materials Licensing and Inspection Branch
Division of Nuclear Materials Safety

Docket: 030-34866
License: 11-27610-01

Enclosures:

1. Notice of Violation (Health and Safety)
2. Notice of Violation (Security Related)

cc w/Enclosures:

Kerry Martin, Administrator
Idaho Department of Environmental Quality

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NRC INSPECTION REPORT 030-34866/2017-002 – DATED FEBRUARY 2, 2018.

DISTRIBUTION:

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ADAMS ACCESSION NUMBER - Nonpublic: ML18024B511

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Nonpublic, letter and Enc 1 and Enc 2 SUNSI Review, By: JFK			ADAMS X Yes	X Non-Publicly Available	X Sensitive	Keyword: A.3
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NOTICE OF VIOLATION

Qal-Tek Associates, LLC
Idaho Falls, Idaho

Docket No. 030-34866
License No. 11-27610-01

During an NRC inspection conducted during October 30, 2017 through November 2, 2017, with in-office review through January 18, 2018, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 36.23(c) requires, in part, that a radiation monitor must be provided to detect the presence of high radiation levels in the radiation room of a panoramic irradiator before personnel entry. The monitor must be integrated with the personnel access door locks to prevent room access when radiation levels are high. Attempted personnel entry while the monitor measures high radiation levels must activate the alarm described in 10 CFR 36.23(b).

Contrary to the above, from September 17, 2015 to October 30, 2017, the licensee failed to provide a radiation monitor to detect the presence of high radiation levels in the radiation room of a panoramic irradiator before personnel entry. Although survey meters undergoing calibration were routinely present within the radiation room of the panoramic irradiator, these meters were present for the purpose of calibration and were not integrated with the radiation room personnel access door locks to prevent room access when radiation levels are high; attempted personnel entry while a meter undergoing calibration measured high radiation levels would not activate the alarm described in 10 CFR 36.23(b).

This is a Severity Level IV violation (NRC Enforcement Policy, Section 6.3).

- B. License Condition 20 of NRC License 11-27610-01, Amendment No. 25, dated November 16, 2015, requires, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the documents, including any enclosures, listed in License Condition 20.

License Condition 20, letter dated March 4, 2014, provides the licensee's Radiation Safety Program Manual.

- Radiation Safety Program Manual Article 115, "Radiation Safety Officer Duties," states in part, that the Radiation Safety Officer shall perform and document, for Radiation Safety Committee review and approval, hazards analysis for proposed activities.
- Radiation Safety Program Manual Article 112, "Radiation Safety Committee," states in part, that the Radiation Safety Committee shall evaluate new programs and uses/handling of radioactive material to assure readiness to execute activities, and shall assure adequate work controls are in place and implemented, including the implementation of program and procedural changes.
- Radiation Safety Program Manual Article 313, "Planning for Routine Radiological Operations," states in part, that the manager or supervisor responsible for the job shall prepare the procedure by which the operations are to be performed, that the procedure shall be submitted to the Radiation

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Safety Officer for review, and that the resulting procedure shall be submitted to the Radiation Safety Committee for review and approval.

Contrary to the above, from January 2017 (specific date could not be established) to October 30, 2017, the licensee removed a J.L. Shepherd Model 89 irradiator from storage and commenced testing, operation, and use of the irradiator and the licensee's: (1) Radiation Safety Officer failed to perform and document, for Radiation Safety Committee review and approval, hazards analysis for the proposed activities; (2) Radiation Safety Committee failed to evaluate new programs and uses/handling of radioactive material to assure readiness to execute activities and failed to assure adequate work controls were in place and implemented, including the implementation of program and procedural changes; and (3) manager or supervisor responsible for the job failed to prepare the procedure by which the operations were to be performed, and therefore failed to submit the procedure to the Radiation Safety Officer for review, or to the Radiation Safety Committee for review and approval.

This is a SL IV violation (NRC Enforcement Policy Section 6.3).

Pursuant to the provisions of 10 CFR 2.201, Qal-Tek 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 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, 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 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 requiring information 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.

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 Web site at <http://www.nrc.gov/reading-rm/adams.html>. 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, 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

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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 are required to post this Notice within two working days of receipt.

Dated this 2nd February 2018

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