



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

February 6, 1997

EA 97-033

Bruce Jensen, President
Jensen and Associates
331 Main Street, Suite A
P.O. Box 7
Chadron, Nebraska 69337-0007

SUBJECT: NRC INSPECTION REPORT 150-00026/96-01 AND NOTICE OF VIOLATION

Dear Mr. Jensen:

On December 18, 1996, the NRC conducted an inspection at your facility in Chadron, Nebraska. The inspection was completed and findings were discussed with you during a telephonic exit briefing on January 29, 1997.

During this inspection one violation was identified. The violation involved a failure to file an NRC Form 241, "Report of Proposed Activities in Non-Agreement States," prior to conducting licensed activities in a non-Agreement State in 1996. Specifically, Jensen and Associates failed to file an NRC Form 241 prior to working at a temporary job site in South Dakota. The violation is cited in the enclosed Notice of Violation (Notice). Please note that you are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

The inspection established that prior to working in South Dakota you contacted state officials in Pierre, South Dakota, to determine what was required to obtain authorization to use licensed materials in that state. You stated that a state representative informed you that you needed only to mail a copy of your Nebraska license to South Dakota to be allowed to work in the state. You complied with this request. Subsequent to initial discussions with you, the inspector confirmed the information provided above and was also informed that state representatives did not instruct you that notification to the NRC was also required.

The NRC normally considers the failure to submit a complete NRC Form 241, including revisions, to be a matter of significant regulatory concern because failures of Agreement State licensees to notify the NRC of activities performed in non-Agreement States deny the NRC an opportunity to conduct inspections to verify that activities are performed safely and in accordance with applicable NRC regulations. However, based on the information developed during the inspection and the fact that you attempted to provide notification of your proposed work activities, although the notification was erroneously provided to the

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state, the violation has been categorized at Severity Level IV. Please be advised that future failures to seek appropriate authorization prior to performing activities in areas where the NRC maintains jurisdiction will result in a more significant enforcement action.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

Should you have any questions concerning this letter, please contact Mr. Robert A. Brown at (817) 860-8130 or Ms. Linda Howell at (817) 860-8213.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross A. Scarano", written in a cursive style.

Ross A. Scarano, Director
Division of Nuclear Materials Safety

Docket No.: 150-00026
License No.: Nebraska License 69-01-01

Enclosure:
Notice of Violation

cc w/enclosure:
Nebraska Radiation Control Program

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DACool, NMSS (T8F5)

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