



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

May 12, 2020

Mr. Gordon Finlay
Radiation Safety Officer
Quality Control Inspection and
Testing Laboratories
440 West Fordham Drive
Eagle, Idaho 83616

SUBJECT: NRC INSPECTION 030-37383/2020-001 AND NOTICE OF VIOLATION

Dear Mr. Finlay:

This letter refers to the announced routine inspection conducted remotely from April 10, 2020, through May 4, 2020. The inspection was conducted remotely as a result of the Coronavirus Disease (COVID-19) public health emergency and with your express consent after communicating with the inspector the impacts of the public health emergency upon you, your staff, your licensed operations, and your ability to support a remote inspection. 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.

The preliminary inspection findings were discussed with you at the conclusion of the remote inspection on May 4, 2020. A final telephonic exit briefing was conducted with you on May 8, 2020.

Based on the results of this inspection, the NRC has determined a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy, which can be found at the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is cited and described in the enclosed Notice of Violation (Notice) because it was identified by the NRC during the inspection. The violation involved the failure to prepare shipping papers in accordance with Title 49 of the *Code of Federal Regulations* (49 CFR) 172.200.

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 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 violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance will be (was) achieved should be addressed. The NRC's review of your response to the Notice will also determine

whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," 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 NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Should you have any questions regarding this letter or the enclosed Notice, please contact Jason vonEhr at 817-200-1186, or the undersigned at 817-200-1455.

Sincerely,

**Patricia A.
Silva**

Digitally signed by
Patricia A. Silva
Date: 2020.05.12
16:20:45 -05'00'

Patricia A. Silva, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket: 030-37383
License: 11-29245-01

Enclosure:
Notice of Violation (Notice)

cc:
Mark Dietrich
Idaho Dept. of Environmental Quality

NRC INSPECTION 030-37383/2020-001 AND NOTICE OF VIOLATION - DATED May 12, 2020

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ADAMS ACCESSION NUMBER:

☒ SUNSI Review:

ADAMS:

☐ Non-Publicly Available☒ Non-Sensitive

Keyword:

By: JEV

☒ Yes ☐ No☒ Publicly Available☐ Sensitive

NRC-002

OFFICE	HP:MIB	C:MIB				
NAME	JEvonEhr	PASilva				
SIGNATURE	JEV	PAS				
DATE	05/07/2020	05/12/2020				

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Quality Control Inspection and Testing Laboratories
Eagle, Idaho

Docket No.: 030-37383
License No.: 11-29245-01

During an NRC announced routine inspection conducted remotely from April 10, 2020, through May 4, 2020, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

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, or where transport is on public highways, 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, appropriate to the mode of transport.

49 CFR 177.817(a) requires, in part, that a person may not accept a hazardous material for transportation or transport a hazardous material by highway unless that person has received a shipping paper prepared in accordance with 49 CFR Part 172.

49 CFR 172.202(a) requires, in part, that the licensee's shipping paper must include the identification number and the proper shipping name prescribed for the material as shown in Column 4 and Column 2, respectively, of the 49 CFR 172.101 table.

49 CFR 172.203(d)(3) requires, in part, that the maximum activity of the radioactive contents contained in each package during transport in terms of the appropriate SI [System International] units (e.g., Becquerels (Bq), Terabecquerels (TBq)).

Contrary to the above, from at least February 26 through April 4, 2020, the licensee failed to 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, appropriate to the mode of transport. Specifically, on February 26, March 19, and April 4, 2020, the licensee transported Class 7 (radioactive) hazardous materials and failed to: (1) include the correct identification number on the shipping papers for the material transported, (2) use the proper shipping name on the shipping papers for the material transported, and (3) use SI units on the shipping papers to provide the activity of the package contents.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.8.d)

Pursuant to the provisions of 10 CFR 2.201, Quality Control Inspection and Testing Laboratories 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: (1) the reason for the violations, 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.

Enclosure

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 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 12th Day of May 2020