

SAFETY INSPECTION REPORT AND COMPLIANCE INSPECTION

1. LICENSEE/LOCATION INSPECTED: CASE, LLC Remote Inspection of 415 Floss Flats Rd, Ste D, Belgrade, Montana REPORT NO.: 030-39214 / 2021-001		2. NRC/REGIONAL OFFICE U.S. Nuclear Regulatory Commission Region IV, 1600 East Lamar Blvd. Arlington, Texas 76011-4511	
3. DOCKET NUMBER 030-39214	4. LICENSE NUMBER 25-35582-01	5. DATE(S) OF INSPECTION February 10 - 25, 2021	

LICENSEE:

The inspection was an examination of the activities conducted under your license as they relate to radiation safety and to compliance with the Nuclear Regulatory Commission (NRC) rules and regulations and the conditions of your license. The inspection consisted of selective examinations of procedures and representative records, interviews with personnel, and observations by the inspector. The inspection findings are as follows:

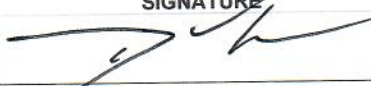
- ☐ 1. Based on the inspection findings, no violations were identified.
- ☐ 2. Previous violation(s) closed.
- ☐ 3. The violation(s), specifically described to you by the inspector as non-cited violations, are not being cited because they were self-identified, non-repetitive, and corrective action was or is being taken, and the remaining criteria in the NRC Enforcement Policy, to exercise discretion, were satisfied.
- ☐ Non-Cited Violation(s) was/were discussed involving the following requirement(s):
- ☒ 4. During this inspection certain of your activities, as described below and/or attached, were in violation of NRC requirements and are being cited in accordance with the NRC Enforcement Policy. This form is a NOTICE OF VIOLATION, which may be subject to posting in accordance with 10 CFR 19.11.

10 CFR 30.34(i) requires that each portable gauge licensee shall use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, on occasions between March 25, 2020 through February 2, 2021, the licensee failed to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges were not under the control and constant surveillance of the licensee. Specifically, the licensee provided two physical controls that prevented the removal of the material during transport and while in storage at temporary job sites, but the controls were dependent on one-another, and the licensee stated that the gauges were, at times, left in this configuration while not being provided control and constant surveillance. (Continued)

Statement of Corrective Actions

I hereby state that, within 30 days, the actions described by me to the Inspector will be taken to correct the violations identified. This statement of corrective actions is made in accordance with the requirements of 10 CFR 2.201 (corrective steps already taken, corrective steps which will be taken, date when full compliance will be achieved). I understand that no further written response to NRC will be required, unless specifically requested.

TITLE	PRINTED NAME	SIGNATURE	DATE
LICENSEE'S REPRESENTATIVE	Tyler Miller, RSO & Owner		03/12/2021
NRC INSPECTOR	Jason vonEhr	Jason E. VonEhr <small>Digitally signed by Jason E. VonEhr Date: 2021.03.05 06:26:17 -05'00'</small>	March 5, 2021
BRANCH CHIEF	Dan Bradley		March 16, 2021

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REPORT NO.: 030-39214 / 2021-001

2. NRC/REGIONAL OFFICE

U.S. Nuclear Regulatory Commission
Region IV, 1600 East Lamar Blvd
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No material loss occurred and this was the first instance of noncompliance identified by the NRC for this licensee related to this requirement.

This is a Severity Level IV violation (Enforcement Policy Section 6.3.d.10). To correct this violation, the licensee determined a compliant means of securing a portable nuclear gauge during transport and while at temporary job sites when the gauges cannot be provided control and constant surveillance by the licensee, and provided photo-evidence of this to the inspector. The licensee committed to using this compliant configuration or equivalent going forward and providing applicable gap-training to other portable gauge users employed by the licensee.