

February 23, 2012

Mr. Daniel J. Barczykowski, Principal
Midwest Testing, Inc.
8606 Page Avenue
St. Louis, MO 63114

SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 03032036/12-001(DNMS) AND
NOTICE OF VIOLATION – MIDWEST TESTING, INC..

Dear Mr. Barczykowski:

On January 31, 2012, an inspector from the U.S. Nuclear Regulatory Commission (NRC) conducted a routine inspection at 8606 Page Avenue, St. Louis, Missouri. The purpose of the inspection was to review activities performed under your NRC license to ensure that activities were being performed in accordance with NRC requirements. An exit meeting was held between Robert P. Hays of my staff and you on January 31, 2012.

During this inspection, the NRC staff examined activities conducted under your license related to public health and safety. Additionally, the staff examined your compliance with the Commission's rules and regulations as well as the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation concerned the failure to have a Radiation Safety Officer as required by License Condition No. 11 of Midwest Testing's Materials License No. 24-24619-02. The violation is cited in the enclosed Notice of Violation (Notice). The NRC is citing the violation in the Notice because the inspector identified the violation.

Your staff's incomplete understanding of the requirement to name a replacement Radiation Safety Officer (RSO) after the departure of Andrew R. Taylor, listed as RSO on Midwest Testing's license, was the root cause of the violation. As corrective action, you submitted an amendment request on January 31, 2012, to name yourself as the replacement RSO for Andrew R. Taylor. You indicated that you are now aware that there has to be someone working for Midwest Testing as an RSO and listed on the license. Additionally, you are aware that NRC must be notified immediately when there is a change in RSO.

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 in this letter. Therefore, you are not required to respond to this letter unless the description herein does not

D. Barczykowski

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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 Title 10 of the Code of Federal Regulations (CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, 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 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, proprietary, or safeguards information so that it can be made available to the public without redaction.

Sincerely,

/RA/

Tamara E. Bloomer, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-32036
License No. 24-24619-02

Enclosure:
Notice of Violation

D. Barczykowski

-2-

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Sincerely,

/RA/

Tamara E. Bloomer, Chief
Materials Inspection Branch
Division of Nuclear Materials Safety

Docket No. 030-32036
License No. 24-24619-02

Enclosure:
Notice of Violation

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NOTICE OF VIOLATION

Midwest Testing, Inc.
St. Louis, MO 63114

Docket No. 030-32036
License No. 24-24619-02

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on January 31, 2012, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License Condition 11, of NRC License No. 24-24619-02 states that the Radiation Safety Officer (RSO) for the license is Andrew R. Taylor.

Contrary to the above, as of January 31, 2012, the individual named as the RSO on the license no longer served as the RSO. Specifically, the named individual, Andrew R. Taylor, had resigned from Midwest Testing, Inc., during the first week of January 2012, and the licensee failed to notify the NRC that a change in RSO had occurred.

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

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 was achieved, is already adequately addressed on the docket in the letter transmitting this Notice of Violation (Notice). However, you are required to submit a written statement or explanation pursuant to Title 10 of the Code of Federal Regulations (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, IR 030-32036/12-001 (DNMS)," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region III, within 30 days of the date of the letter transmitting this Notice.

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.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

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

Dated this 23rd day of February 2012.

Enclosure