

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS  
WASHINGTON, D.C. 20555

August 22, 1988

NRC INFORMATION NOTICE No. 88-66: INDUSTRIAL RADIOGRAPHY INSPECTION AND ENFORCEMENT

Addressees:

All NRC industrial radiography licensees.

Purpose:

This information notice is being provided to emphasize the importance of compliance with NRC regulations in all aspects of industrial radiography. Recipients should review the information for applicability to their operations to ensure that all radiography personnel are fully trained and qualified and that they conduct operations in accordance with all applicable requirements. It is expected that licensees will review this notice, distribute it to responsible radiation staff, and consider actions, as appropriate, to avoid similar problems. However, suggestions contained in this information notice do not constitute any new NRC requirements and no written response is required.

Description of Circumstances:

In August 1987, the NRC received allegations that Finlay Testing Laboratories, Inc. (FTL) of Aiea, Hawaii, was improperly transporting radiographic exposure devices containing radioactive sources on passenger-carrying aircraft. The NRC Region V office conducted an inspection, and the Office of Investigations (OI) investigated possible wrongdoing. These efforts revealed numerous instances where FTL personnel concealed radiographic exposure devices containing radioactive material, so as to transport them on passenger-carrying civilian and military flights. These actions, which violated NRC and U.S. Department of Transportation (DOT) regulations, apparently were taken to avoid the inconvenience of shipping devices containing radioactive material in the required manner.

Additional inspection findings revealed: (1) failures to survey devices to ensure that the sources were in the shielded position; (2) individuals acting as radiographers and radiographers' assistants without required Part 34 training; (3) violations of radiation safety program requirements for posting of radiation areas, surveillance of restricted areas, and locking of radiographic exposure devices; (4) use of partially discharged dosimeters; and (5) failures to maintain required records.

As a result of these findings, the NRC suspended FTL's license and subsequently issued an order to show cause why the license should not be revoked. In accordance with a settlement between the NRC and the licensee, the license was terminated and Gordon Finlay, owner of the licensee, agreed not to perform

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certain functions in radiographic operations until September 1990. Mr. Finlay also agreed to provide written notice to the NRC or any Agreement State before performing duties related to any licensed activities for a similar period. In addition, the matter has been referred to the U.S. Department of Justice for investigation of possible criminal wrongdoing.

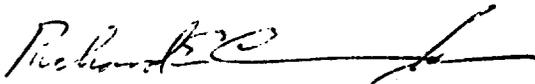
Discussion:

Licensees are responsible for ensuring the safe performance of licensed activities in accordance with NRC regulations and the terms of their licenses. In so doing, licensees should not only use trained individuals, provide adequate procedures and maintain accurate records, but should also exercise close supervision over their employees to ensure compliance with procedures and with NRC and any other applicable requirements. Licensees are also responsible for ensuring that an employee's prior experience, if any, has been satisfactory and complies with regulatory requirements.

Transportation of radiographic material, with its potential for impact on the public health and safety, is a matter of significant regulatory concern. This case highlights the need to ensure that material is packaged and shipped in approved ways to avoid potential exposure to the public.

Moreover, the NRC will not excuse licensee employee violations in radiography operations because management was unaware of the violations; because the employees were not trained to recognize applicable regulatory requirements; or because compliance with the applicable regulations would have been inconvenient. Similarly, violations of NRC requirements caused by inattention to detail are unacceptable and may result in substantial civil enforcement action. In addition, violations caused by intentional acts may subject wrongdoers to criminal prosecution. As evidenced by the cases described in Information Notice 86-54, "Criminal Prosecution of a former Radiation Safety Officer who Willfully Directed an Unqualified Individual to Perform Radiography," and Information Notice 87-64, "Conviction for Falsification of Security Training Records," criminal sanctions may include a fine and/or imprisonment.

No written response is required by this information notice. If you have any questions about this matter, please call the technical contact listed below or the appropriate NRC Regional Office.

  
Richard E. Cunningham, Director  
Division of Industrial and  
Medical Nuclear Safety, NMSS

Technical Contact: M. Lamastra, NMSS  
(301) 492-3416

Attachment: List of Recently Issued NRC Information Notices

LIST OF RECENTLY ISSUED  
 NRC INFORMATION NOTICES

| Information Notice No. | Subject  | Date of Issuance | Issued to  |
|------------------------|--|------------------|--|
| 88-65                  | Inadvertent Drainages of Spent Fuel Pools  | 8/18/88          | All holders of OLs or CPs for nuclear power reactors and fuel storage facilities.          |
| 88-64                  | Reporting Fires in Nuclear Process Systems at Nuclear Power Plants   | 8/18/88          | All holders of OLs or CPs for nuclear power reactors.                                      |
| 88-63                  | High Radiation Hazards from Irradiated Incore Detectors and Cables   | 8/15/88          | All holders of OLs or CPs for nuclear power reactors, research reactors and test reactors. |
| 88-62                  | Recent Findings Concerning Implementation of Quality Assurance Programs by Suppliers of Transport Packages | 8/12/88          | All holders of NRC quality assurance program approval for radioactive material packages.   |
| 88-61                  | Control Room Habitability - Recent Reviews of Operating Experience   | 8/11/88          | All holders of OLs or CPs for nuclear power reactors.                                      |
| 88-60                  | Inadequate Design and Installation of Watertight Penetration Seals   | 8/11/88          | All holders of OLs or CPs for nuclear power reactors.                                      |
| 88-04, Supplement 1    | Inadequate Qualification and Documentation of Fire Barrier Penetration Seals                               | 8/9/88           | All holders of OLs or CPs for nuclear power reactors.                                      |
| 88-59                  | Main Steam Isolation Valve Guide Rail Failure at Waterford Unit 3  | 8/9/88           | All holders of OLs or CPs for nuclear power reactors.                                      |
| 88-58                  | Potential Problems with ASEA Brown Boveri IIE-511 Time-Overcurrent Relays                                  | 8/8/88           | All holders of OLs or CPs for nuclear power reactors.                                      |

OL = Operating License  
 CP = Construction Permit

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MKing \*EKraus 8/2/88 \*SEE PREVIOUS CONCURRENCE

|       |           |          |         |         |         |            |         |         |              |
|-------|-----------|----------|---------|---------|---------|------------|---------|---------|--------------|
| OFC:  | *IMAB     | *IMOB    | *IMAB   | *IMOB   | *IMOB   | *OE        | *OGC    | *IMNS   | IMNS         |
| NAME: | MLamastra | JMetzger | VMiller | DACool  | JHickey | JLieberman | SLewis  | RHall   | RECunningham |
| DATE: | 8/03/88   | 8/03/88  | 8/03/88 | 8/05/88 | 8/05/88 | 8/15/88    | 8/15/88 | 8/05/88 | 8/17/88      |

As a result of these findings, the NRC suspended FTL's license and subsequently issued an order to show cause why the license should not be revoked. In accordance with a settlement between the NRC and the licensee, the license was terminated and Gordon Finlay, owner of the licensee, agreed not to perform certain functions in radiographic operations until September 1990. Mr. Finlay also agreed to provide written notice to the NRC or any Agreement State before performing duties related to any licensed activities for a similar period. In addition, the matter has been referred to the U.S. Department of Justice for investigation of possible criminal wrongdoing.

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Academic and Commercial Use Safety

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MKing

EKraus EK 8-2-88

*add T Liebman S. Lewis*  
*OE OGC*

OFC: IMAB IMOB IMAB IMOB IMOB IMNS IMNS

NAME: MLamastra JMetzger Miller DACool JHickey RHall RECunningham

DATE: 6/10/88 7/3/88 8/3/88 / / / / / / / /