

Date: March 15, 2007
EN-07-015

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Accurate NDE and Inspection, LLC
209 Industrial Trace
Broussard, Louisiana, 70518

EA-06-281

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -
\$13,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$13,000 will be issued on or about March 20, 2007, to Accurate NDE and Inspection, LLC. This action is based on the violations of 10 CFR 20.1801/1802, 10 CFR 34.47(a), and 10 CFR 30.9(a). The first violation involved the failure to secure from unauthorized removal or limit access to a radiographic exposure device containing an iridium-192 sealed source that was being improperly stored on an offshore platform, which was in a controlled area or unrestricted area as required by 10 CFR 20.1801 and 20.1802. The second violation involved the failure to wear required personnel dosimetry during radiographic operations as required by 10 CFR 34.47(a). The third violation involved the failure to provide complete and accurate information on documents provided to an NRC inspector as required by 10 CFR 30.9(a). Therefore, in accordance with the NRC's Enforcement Policy, the three violations are categorized collectively as a Severity Level III problem.

Because willfulness is associated with the problem, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section VI.C.2 of the Enforcement Policy. In this case, the NRC has determined that no Identification and Corrective Action credit is warranted because the inspector identified the violations and the corrective actions were not comprehensive to prevent recurrence. Since credit was not warranted for both Identification and Corrective Action, application of the civil penalty assessment process would result in a civil penalty of twice the base amount. Therefore, the NRC is proposing imposition of twice the base civil penalty of \$6,500 for a total of \$13,000.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice
Telephone Notification of Licensee

March 20, 2007
March 20, 2007

Louisiana Radiation Control Program will be notified.

The licensee has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

Contacts: Leelavathi Sreenivas, OE, 415-1285; David Solorio, OE, 415-0149

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**

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