

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

November 5, 2007
EN 07-009A

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Universal Testing, LLC (EA-06-259 & EA-07-230)
Clearfield, Utah 84015
Docket No. 150-00043

Subject: CONFIRMATORY ORDER (EFFECTIVE IMMEDIATELY)

This is to inform the Commission that a Confirmatory Order confirming commitments reached as part of an alternative dispute resolution (ADR) mediation settlement agreement will be issued November 06, 2007, to Universal Testing, LLC. The licensee requested ADR following the NRC's February 23, 2007, Notice of Violation and Proposed civil penalty of \$6,500 (EA-06-259) for a willful violation involving the failure to secure from unauthorized removal or access licensed material that was stored in an unrestricted area(10 CFR 20.1801 and 1802). The case involved a radiographer who was involved in a traffic accident, resulting in his arrest for driving while intoxicated (DWI) after the radiographer had left a local bar in Casper, Wyoming on February 18, 2006.

The ADR mediation session was conducted on July 25, 2007, and a settlement agreement was reached. The licensee agreed that the willful violation did occur. In summary, Universal Testing agreed to additional management review and oversight programs that will include implementation of a nightly call-in procedure, implementation of a disciplinary program, and increased audits of the program (specifically when operating in NRC's jurisdiction). Universal Testing will also submit an article for presentation at the next meeting of the Non-Destructive Testing Managers Association (NDTMA) that will address the new management oversight program and the value it adds to overall safe and effective operations. In exchange for Universal Testing's extensive corrective actions, the NRC agreed to reduce the civil penalty originally proposed to \$500.

Universal Testing is a State of Utah licensee that had been operating in NRC's jurisdiction under reciprocity at the time of the violations. Prior to the ADR session, the NRC discussed with Utah the fact that ADR was occurring (and explained the ADR program), obtained insights into the State's experience (past enforcement history) with the licensee, and solicited ideas from the state on acceptable actions the licensee might take. At the conclusion of the mediation, the NRC verbally informed Utah of the agreement. Prior to each conversation with Utah, the NRC informed the licensee of it. Feedback from Utah was that the NRC's discussions with the State were appreciated. This was the first ADR session involving an Agreement State licensee operating under reciprocity where such discussions were conducted with the Agreement State.

The schedule of notification and issuance:

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|------------------------------------|-------------------|
| Mailing of Notice | November 06, 2007 |
| Telephone Notification of Licensee | November 06, 2007 |

The States of Utah and Wyoming will be notified.

Contacts: Leelavathi Sreenivas, OE, 415-1285; Nick Hilton, OE, 415-3055

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| OFFICE | OE:ES | OE:BC |
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