January 22, 2009

EA-08-303

Donald J. Adkins
RSO/General Safety Manager
Huntington Testing and Technologies, Inc.
1200 Airport Road
Huntington, WV 25704

SUBJECT: NOTICE OF VIOLATION - NRC Inspection Report No. 03020243/2008001

Dear Mr. Adkins:

This refers to the inspection conducted between September 10 and 12, 2008, at the Huntington Testing and Technologies, Inc. (HT&T) field office located in Louisville, Kentucky. The inspection involved a review of the August 20, 2008, source retrieval event that occurred in Indiana, in an area under NRC jurisdiction, and also included an evaluation of your related event analysis and corrective actions. Additional information provided in your correspondence dated September 17, 2008, which included your 30-day written report in response to the source retrieval event, was also examined as part of this inspection. The final inspection findings were discussed with you by telephone on October 28, 2008, and were transmitted to you in a letter dated December 9, 2008.

In a telephone conversation on October 28, 2008, Ms. Marie Miller of my staff informed you that the NRC was considering escalated enforcement action for apparent violations involving the failure to conduct source retrieval activities by trained and authorized personnel, and report an event to the NRC within 24 hours where equipment was disabled. Ms. Miller also informed you that the NRC had sufficient information regarding the apparent violations and your corrective actions to make an enforcement decision without the need for a predecisional enforcement conference (PEC) or a written response. You indicated that HT&T did not desire a PEC or intend to submit a written response.

Therefore, based on the information developed during the inspection, the NRC has determined that violations of NRC requirements occurred. The violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report.

On August 20, 2008, HT&T, which maintains an Agreement State license at its field office location in Kentucky, conducted radiographic operations authorized by an NRC license at the IKEC Power Plant in Madison, Indiana. While HT&T radiographers were performing an elevated radiography shot, the camera set-up fell onto, and crimped, the guide tube. The lead radiographer was unsuccessful in returning the source to the camera and his rate meter alarmed. Instead of immediately notifying the Corporate Radiation Safety Officer (RSO) of the event, who was authorized under HT&T's NRC license to conduct the source retrieval evolution, the radiographers notified HT&T's field office RSO. Then, without reviewing the emergency operating procedures, the lead radiographer and, separately, HT&T's field office RSO,

conducted source retrieval operations that they were not authorized to conduct. The Corporate RSO was not notified of the source retrieval event until August 29, 2008, and did not notify the NRC until September 3, 2008, approximately two weeks after the event occurred. Licensees are required to notify the NRC within 24 hours after an event in which equipment is disabled or fails to function as designed in preventing radiation exposures.

In assessing the significance of the violations associated with the source retrieval event, the NRC considered that although no overexposure resulted from the event, and that HT&T used techniques to limit personnel radiation exposure, including using both a radiation survey meter and an alarming rate dosimeter to assess appropriate stay times as well as employing a low-dose area as a location to assess the situation, additional unplanned exposures to personnel did occur. The NRC also noted that subsequent to the event, HT&T field office personnel failed to notify the Corporate RSO of this event, which contributed to the delay in notifying the NRC.

The root cause of the violations is attributed to the HT&T field office personnel being unaware of the specific NRC license conditions that applied to the source retrieval evolution and the NRC notification requirements. The NRC license specifically authorizes the Corporate RSO to conduct source retrieval operations, whereas the Kentucky Agreement State license does not authorize source retrieval operations. HT&T field personnel, while working within an area of NRC jurisdiction, did not realize that the field office RSO could not fulfill the duties of the Corporate RSO during the source retrieval evolution. Also, HT&T field personnel did not understand the NRC requirement to provide notification to the NRC within 24 hours of this event. Therefore, the NRC has concluded that these violations are categorized collectively in accordance with the NRC Enforcement Policy as a Severity Level (SL) III problem.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of $6,500 is considered for a SL III problem. Because your facility has not been the subject of escalated enforcement action within the last two years or two inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section VI.C.2 of the Enforcement Policy. Credit is warranted for corrective action, because your actions are considered to have been prompt and comprehensive. These corrective actions include: (1) advising radiography personnel to inspect and clean the magnetic base of the support structure prior to placement of the source collimator for each independent exposure, and to use additional reinforcement magnets as required to prevent the magnetic base from slipping during radiographic exposures; (2) submitting a license amendment to designate the Corporate RSO as the RSO on the Kentucky Agreement State license; (3) scheduling training for HT&T field office personnel, regarding radiation safety program administration, maintenance and source removal activities; and, (4) providing emergency contact reference information to HT&T field office personnel to ensure that the Corporate RSO and the NRC are promptly notified of all events.

Therefore, to encourage prompt identification and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this SL III violation constitutes escalated enforcement action that may subject you to increased inspection effort.

An additional violation, which is described in Section II of the Notice, that was not considered for escalated enforcement action, involved the failure to process a personal dosimeter with an off-scale reading within 24 hours. This violation has been categorized at SL IV.

The NRC has concluded that information regarding the reasons for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 03020243/2008001 and in this letter. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html. To the extent possible, your response, if you choose to provide one, should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). The NRC also includes significant enforcement actions on its Web site at (http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/).

Sincerely,

/RA/

Samuel J. Collins
Regional Administrator

Docket No. 03020243
License No. 47-23076-01

Enclosure: Notice of Violation

cc:
State of Kentucky
State of West Virginia

The NRC has concluded that information regarding the reasons for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 03020243/2008001 and in this letter. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, you should follow the instructions specified in the enclosed Notice.

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Sincerely,

/RA/

Samuel J. Collins
Regional Administrator

Docket No. 03020243
License No. 47-23076-01

Enclosure: Notice of Violation

cc:
State of Kentucky
State of West Virginia

SUNSI Review Complete: aed (Reviewer's Initials)

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*see previous concurrence page
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NOTICE OF VIOLATION

Huntington Testing & Technology, Inc.
Huntington, WV

Docket No. 03020243
License No. 47-23076-01
EA-08-303

During an NRC inspection conducted between September 10 and 12, 2008, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

I. VIOLATIONS SUBJECT TO ESCALATED ENFORCEMENT

A. Condition 17 of NRC License No. 47-23076-01 states that Huntington Testing & Technology Inc. (HT&T) is authorized to conduct source retrieval activities in accordance with the letter dated March 14, 2005. The letter dated March 14, 2005 designates the Corporate Radiation Safety Officer (RSO) as trained in source retrieval activities, and Section 4.4 of Emergency Procedure 7 states, in part, that if the radioactive source cannot be returned to the device, the RSO shall be notified and no attempts shall be made by radiographic personnel to either retrieve or "shield-down" a source.

Contrary to the above, on August 20, 2008, HT&T's lead radiographer and field office RSO conducted source retrieval activities and shielded-down a source, although they were not trained nor authorized by the NRC license to do so.

B. 10 CFR 30.50(b)(2)(i) requires, in part, that each licensee shall notify the NRC within 24 hours after an event in which equipment is disabled or fails to function as designed when the equipment is required by regulation to prevent exposures to radiation and radioactive materials exceeding regulatory limits.

Contrary to the above, on August 20, 2008, HT&T had an event where equipment (a source guide tube attached to a QSA Global Model 880 Sigma radiography camera) was disabled and failed to function as designed, when the equipment was required by regulation to prevent exposures to radiation and radioactive materials exceeding regulatory limits, and HT&T did not notify the NRC until September 3, 2008, two weeks after the event.

The above two violations are being categorized as one Severity Level III problem (NRC Supplement VI).

II. VIOLATION NOT SUBJECT TO ESCALATED ENFORCEMENT

10 CFR 34.47(d) requires, in part, that if an individual's pocket chamber (also known as a pocket dosimeter or PD) is found to be off-scale, and the possibility of radiation exposure cannot be ruled out as the cause, the individual's personnel dosimeter must be sent for processing within 24 hours.

Contrary to the above, on August 20, 2008 the field office RSO's pocket chamber went off-scale due to the source retrieval event and his personnel dosimeter was not sent in

for immediate analysis within 24 hours. The dosimeters were sent for processing on August 22, 2008.

This is a Severity Level IV violation (NRC Supplement VI).

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be achieved, is already adequately addressed on the docket in Inspection Report No. 03020243/2008001 and in the letter transmitting this Notice. However, you are required to submit a written statement or explanation pursuant to 10 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, EA-08-303," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, 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 to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response, if you choose to provide one, will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated this 22nd day of January 2009