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August 31, 2010

EA-10-085

Mr. Robert Sinn, Director
St. Louis Testing Laboratories, Inc.
2810 Clark Avenue
St. Louis, Missouri 63103

SUBJECT: NOTICE OF VIOLATION – ST. LOUIS TESTING LABORATORIES, INC.
NRC INSPECTION REPORT NOS. 030-05064/2010-001(DNMS) AND
030-05064/2010-002(DNMS)

Dear Mr. Sinn:

This refers to a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on March 18 and 19, 2010, at your St. Louis, Missouri, facility and at a temporary job site at New Haven, Missouri, with continuing NRC review through May 7, 2010. The purpose of this inspection was to examine activities conducted under your license as they relate to safety, security, and compliance with the Commission's rules and regulations and with the conditions in your license. Two apparent violations of NRC requirements were identified during the inspection and were considered for escalated enforcement. These issues involved the failure of an individual to wear a personal dosimeter during radiographic operations and a security issue. During the inspection, and specifically during the final exit meeting, conducted via telephone on May 7, 2010, the NRC discussed the circumstances of the apparent violations, the significance of the issues, and the need for lasting and effective corrective actions. Details regarding the apparent violations were provided in NRC Inspection Report Nos. 030-05064/2010-001(DNMS) and 030-05064/2010-002(DNMS), transmitted via a cover letter dated June 15, 2010.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violations identified in the report by either attending a Predecisional Enforcement Conference or by providing a written response before we made our final enforcement decision. You provided a written response in a letter dated June 29, 2010.

Based on the information developed during the inspection and information provided in your written response, the NRC has determined that violations of NRC requirements occurred. The violations are cited in the enclosed Notices of Violation (Enclosures 1 and 3) and the circumstances surrounding them are described in detail in the subject inspection report. The first violation involved the failure of a licensee employee to wear a personal dosimeter while performing radiographic operations, contrary to the requirements of Title 10 of the Code of Federal Regulations (10 CFR) 34.47(a). As documented in the inspection report, your staff identified that on October 22, 2009, a radiographer, who was working in your permanent radiographic cell, accidentally left his personal dosimeter in his tool bag while performing radiographic operations. The tool bag was in the permanent radiographic cell near the parts

Enclosures 2 and 3 contain Sensitive Unclassified Non-Safeguards Information. Upon separation, this cover letter and Enclosure 1 are decontrolled.

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that were being radiographed. This resulted in the dosimeter receiving an erroneous dose of approximately 95 rem. Based on the radiographer's direct reading pocket dosimeter, and other information gathered throughout the month, you were able to determine that the individual actually received approximately 30 millirem for the month.

The NRC determined that the cause of the violation was a personnel failure to ensure that the radiographer was wearing the personal dosimeter prior to starting radiographic operations. The failure to wear the personal dosimeter is a significant regulatory concern because of the high potential for an individual to receive an actual overexposure while performing radiographic operations. Therefore, this violation has been categorized, in accordance with the NRC Enforcement Policy, at a Severity Level III.

The second apparent violation involved a security issue. The details of NRC's evaluation of this issue are included in the non-publicly available Enclosure 2. The non-publicly available Notice of Violation is included in Enclosure 3. The NRC determined that this violation was categorized at a Severity Level IV.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$3500 is considered for a Severity Level III violation. Because your facility has not been the subject of escalated enforcement actions within the last 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 was warranted for your corrective actions which included: (1) retraining all individuals that are required to wear dosimetry during radiographic operations; (2) positioning a sign near the exposure room/storage area to remind radiographers to stop and affirm that they're wearing their dosimetry prior to commencing radiographic operations; and (3) emphasizing dosimetry requirements during your annual refresher training in August 2010.

Therefore, to encourage prompt 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 the Severity Level III violation constitutes escalated enforcement action, which may subject you to increased inspection effort.

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to be taken to correct the violations and to prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report Nos. 030-05064/2010-001(DNMS) and 030-05064/2010-002(DNMS), and your letter dated June 29, 2010. 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 provide additional information, you should follow the instructions specified in the enclosed Notices of Violation. Additionally, if you choose to respond to the Severity Level IV violation, please make that a separate response and mark it as "Security-Related Information – Withhold from Public Disclosure under 10 CFR 2.390." In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for a response to the Severity Level IV violation. However, to the extent possible, a response should not include any personal privacy, proprietary, or safeguards information.

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, Enclosure 1, and your response, if any, to Enclosure 1 will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>. However, because of the Security-Related Information contained in Enclosures 2 and 3, copies of these enclosures, or your response, if any, to Enclosure 3 will not be available for public inspection.

Sincerely,

/RA by Steven A. Reynolds Acting for/

Mark A. Satorius
Regional Administrator

Docket No. 030-05064
License No. 24-00188-02

Enclosures:

1. Notice of Violation (Public)
2. Final Determination of Significance (Non-Public)
3. Notice of Violation (Non-Public)

cc w/encl: Donald Baumer, RSO
State of Missouri

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NOTICE OF VIOLATION

St. Louis Testing Laboratories, Inc.
St. Louis, Missouri

Docket No. 030-05064
License No. 24-00188-02
EA-10-085

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on March 18 and 19, 2010, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the Code of Federal Regulations (10 CFR) Section 34.47(a) requires, in part, that the licensee not permit any individual to act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, each individual wears, on the trunk of the body, a direct reading dosimeter, an operating alarm rate meter, and a personal dosimeter that is processed and evaluated by an accredited processor.

Contrary to the above, on October 22, 2009, the licensee permitted an individual to act as a radiographer during radiographic operations and the individual did not wear a personal dosimeter. Specifically, a radiographer inadvertently left his personal dosimeter in a tool bag inside a permanent radiographic cell while performing radiographic shots.

This is a Severity Level III violation (Supplement VI).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to be taken to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report Nos. 030-05064/2010-001(DNMS) and 030-05064/2010-002(DNMS), and in your letter dated June 29, 2010. 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-10-085," 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 and the Enforcement Officer, Region III, 2443 Warrenville Road, Suite 210, Lisle, IL 60532, within 30 days of the date of the letter transmitting this Notice of Violation (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, U.S. 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's 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 31st day of August 2010

Enclosures 2 and 3 contain Sensitive
Unclassified Non-Safeguards Information.
Upon separation, the cover letter and
Enclosure 1 are decontrolled.

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, Enclosure 1, and your response, if any, to Enclosure 1 will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC also includes significant enforcement actions on its Web site at <http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>. However, because of the Security-Related Information contained in Enclosures 2 and 3, copies of these enclosures, or your response, if any, to Enclosure 3 will not be available for public inspection.

Sincerely,

/RA by Steven A. Reynolds Acting for/

Mark A. Satorius
Regional Administrator

Docket No. 030-05064
License No. 24-00188-02

Enclosures:

1. Notice of Violation (Public)
2. Final Determination of Significance (Non-Public)
3. Notice of Violation (Non-Public)

cc w/encl: Donald Baumer, RSO
State of Missouri

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See next page

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Cover letter and Enclosure 1 are publicly available, non-sensitive

OFFICE	RIII	RIII	RIII	RIII	RIII
NAME	Lougheed	LaFranzo Non-Concur	Bloomer	Louden	Heck ¹
DATE	08/30/10	08/30/10	08/30/10	08/30/10	
OFFICE	OE	RIII	RIII		
NAME	Day for Zimmerman ²	Orth	Reynolds for Satorius		
DATE	08/27/10	08/31/10	08/31/10		

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¹ J. Heck is out of the office. J. Heck concurred on draft action (August 19, 2010), and only minor revisions made by HQ.

² OE concurrence received via e-mail from K. Day on August 27, 2010.

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Letter to Robert Sinn from Mark A. Satorius dated August 31, 2010

SUBJECT: NOTICE OF VIOLATION – ST. LOUIS TESTING LABORATORIES, INC.
NRC INSPECTION REPORT NOS. 030-05064/2010-001(DNMS) AND
030-05064/2010-002(DNMS)

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