



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

November 5, 1997

EA 97-373

Mr. Tom Ali, Senior Vice President
Professional Services Industries, Inc.
510 East 22nd Street
Lombard, IL 60148

SUBJECT: NOTICE OF VIOLATION
(NRC Inspection Report 030-33792/97001(DNMS))

Dear Mr. Ali:

This refers to the inspection conducted on July 17-18, 1997, with continuing NRC review through July 25, 1997, at the Professional Services Industries, Inc. (PSI) Pittsburgh, Pennsylvania facility, and at a temporary job site in East Palestine, Ohio. The purpose of the inspection was to determine whether activities authorized by your NRC license were conducted in accordance with NRC requirements. A report documenting our inspection findings was sent to Mr. A. Ackerman, Corporate Radiation Safety Officer, by letter dated August 7, 1997. Based on the number and nature of the violations identified during the inspection, a predecisional enforcement conference was held in the Region III office on September 4, 1997, to discuss the apparent violations, their causes, and the proposed corrective actions.

Based on the information developed during the inspection and the information that you provided during the conference, the NRC has determined that violations of NRC requirements occurred. These violations are cited in the enclosed Notice of Violation (Notice), and the circumstances surrounding them are described in detail in the subject inspection report. The violations involve: (1) failure to directly supervise an assistant radiographer performing radiographic operations within a fixed facility on the PSI premises; (2) unauthorized use of radioactive material on one occasion by a trainee; (3) failure to provide a film badge to the trainee during that use¹; (4) failure to record pocket dosimeter readings; (5) failure to notify NRC of a radiation safety officer change; (6) failure to perform sealed source inventories; (7) failure to perform inspection/maintenance of radiography equipment; and (8) failure to assure prompt processing of personnel monitoring devices.

These violations are attributed to the lack of sufficient knowledge and understanding of PSI's program requirements by the remaining licensee staff after the departure of the radiation safety officer. The replacement radiation safety officer was not provided with adequate direction and training to assure that he was prepared to manage the radiation safety program and operate it in compliance with NRC requirements. The NRC expects each of its licensees to establish and

The NRC acknowledges that the trainee was being supervised by a radiographer during this use, which involved establishing a radiation boundary, and that she did have a dosimeter and an alarm ratemeter.

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maintain controls and procedures to ensure that radioactive material is handled properly and in accordance with NRC requirements regardless of personnel changes. In addition to compliance deficiencies, the apparent lack of adequate oversight at this facility resulted in a significant failure to ensure that the program was being conducted in a safe manner.

Safety significance involves the consideration of the actual safety consequence and the potential safety consequence. In this case, the resulting violations represent a potential safety consequence because it is possible that significant radiation exposures to workers could occur when individuals who have not received appropriate training handle up to 100 curies (3.7 TBq) of Iridium-192. Therefore, violation A of the Notice is categorized as a Severity Level III and violations B.1 and B.2 of the Notice are classified in the aggregate as a Severity Level III problem in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$2,750 is considered for a Severity Level III violation or problem. Because your facility has not been the subject of escalated enforcement actions within the last 2 years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section VI.B.2 of the Enforcement Policy. Credit for corrective action is warranted because actions taken and/or planned, at the time of the enforcement conference, were both prompt and comprehensive. These actions included: (1) use of trainees has been suspended for the remainder of 1997; (2) corporate audits of the radiation safety program are performed bi-monthly; (3) retraining has been conducted for all facility personnel to explain the job functions for the different levels of certifications; (4) a memorandum has been transmitted company wide to individual managers confirming certification levels of the authorized technicians; and (5) all Pittsburgh personnel (including assistant radiographers) have been retrained as to their regulatory responsibilities during the performance of radiography.

Therefore, to encourage prompt and comprehensive correction of violations, I have been authorized not to propose a civil penalty in this case. However, similar violations in the future could result in further escalated enforcement action.

Violations C through G addressed in the Notice have been categorized as Severity Level IV violations in accordance with the Enforcement Policy.

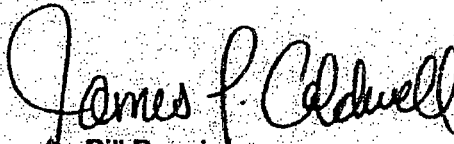
You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be placed in the NRC Public Document (PDR).

Sincerely,


A. Bill Beach
Regional Administrator

Docket No. 030-33792
License No. 12-16941-03

Enclosure: Notice of Violation

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Enforcement Coordinators

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NOTICE OF VIOLATION

Professional Service Industries, Inc.
Lombard, Illinois

Docket No. 030-33792
License No. 12-16941-03
EA 97-373

During an NRC inspection conducted on July 17-18, 1997, with continuing NRC review through July 25, 1997, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. 10 CFR 34.44 requires that whenever a radiographer's assistant uses radiographic exposure devices, uses sealed sources or related source handling tools, or conducts radiation surveys required by 10 CFR 34.43(b) to determine that the sealed source has returned to the shielded position after an exposure, he shall be under the personal supervision of a radiographer. The personal supervision shall include: (a) the radiographer's personal presence at the site where sealed sources are being used; (b) the ability of the radiographer to give immediate assistance if required; and (c) the radiographer watching the assistant's performance of the above referred to operations.

Contrary to the above, on April 7, April 17, May 5, and May 9, 1997, an assistant radiographer operated radiographic exposure devices and conducted radiation surveys at the licensee's fixed facility in Pittsburgh, PA without the personal supervision of a radiographer. The radiographer was in the next building rather than at the cell where the radiographic operations were being conducted. (01013)

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

- B. Condition 19 of License No 12-16941-03 requires, in part, that the licensee conduct its program in accordance with the statements, representations, and procedures, including enclosures, contained in an application dated February 16, 1995 and in a letter dated July 7, 1995.

1. Item 11 of the letter dated July 7, 1995, states that trainees are not authorized to operate industrial radiographic exposure devices.

Contrary to the above, on June 23, 1997, a PSI trainee was permitted to operate an Amersham 660B industrial radiographic exposure device containing iridium-192 at Frostburg University. (02013)

2. Section 3.2 (a) of the PSI "Operating and Emergency Procedures" Part D, referenced in the application dated February 16, 1997, states that film badges must be worn by all personnel when assigned to radiographic operations.

Section 3.0 (a) of the PSI "Radiation Safety Training" Part B, referenced in the application dated February 16, 1995, states, in part, that the (trainee) will be

issued personnel monitoring equipment prior to any job assignment. Personnel monitoring equipment is defined in Section 3.0 of the PSI Operating and Emergency Procedures, as a film badge, direct reading pocket dosimeter, and an alarming rate meter.

Contrary to the above, on June 23, 1997, a PSI trainee was assigned to a radiographic operation at Frostburg University and did not wear a film badge. In addition, a film badge had not been issued to the trainee prior to the job assignment. (02023)

These violations represent a Severity Level III problem (Supplement VI).

- C. 10 CFR 34.33(b) requires that pocket dosimeters be read and exposures recorded daily, and that the licensee retain each record of these exposures for three years after the record is made.

Contrary to the above, between April 1, 1997 and July 18, 1997, on six occasions pocket dosimeter readings were not recorded. (01014)

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

- D. Condition 12.B. of License No. 12-16941-03 authorizes a certain named individual as the Radiation Safety Officer (RSO) for the Pittsburgh facility.

Contrary to the above, from June 16, 1997 through July 18, 1997, an individual not named on or authorized by the license was acting as RSO. The individual named as RSO on the license was no longer employed by PSI. (02014)

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

- E. 10 CFR 34.26 requires, in part, that the licensee conduct a quarterly inventory to account for all sealed sources.

Contrary to the above, as of July 18, 1997, an inventory to account for all sealed sources had not been performed since March 1997, an interval exceeding one quarter. (03014)

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

- F. 10 CFR 34.28(b) requires, in part, that the licensee conduct a program for inspection and maintenance of radiographic exposure devices, storage containers, and source changers, at intervals not to exceed three months.

Contrary to the above, as of July 18, 1997, the licensee had not conducted a program for inspection and maintenance of radiography devices or source changers since March 1997, an interval exceeding three months. (04014)

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

- G. License Condition 19.A of NRC License No. 12-16941-03 requires, in part, that the licensee conduct its program in accordance with the statements, representations, and procedures contained in the licensee's application dated February 16, 1995.

Section 16.2 of the PSI "Radiation Safety Program" Part A, referenced in the application dated February 16, 1995, states that the RSO will return all film badges to the supplier promptly after each month usage with the appropriate control badge.

Contrary to the above, as of July 18, 1997, the April and May 1997 film badges had not been returned to the supplier for processing. (05014)

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

Pursuant to the provisions of 10 CFR 2.201, Professional Service Industries, Inc. (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation or if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time. Consideration may be given to extending the response time for good cause shown.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, response to the Severity Level III violation/problem shall be submitted under oath or affirmation.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then 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 material, 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

Notice of Violation

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create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at Lisle, Illinois
this 5th day of November 1997