

INVESTIGATION STATUS RECORD

Case Number: 4-1999-016 Case Agent: (b)(7)(C)
Allegation Number(s): RIV-1999-A-0065 Date Opened: 04/06/1999
Docket Number(s): 03032287 ECD:
Facility: PROFESSIONAL SERVICES INDUSTRI Priority: High
Case Code: MI Status: CLO
Primary Alleg Source: A
Subject/Allegation: DELIBERATE VIOLATION OF TWO-MAN RULE AND POSSIBLE OVEREXPOSURE

Monthly Status Report:

04/06/1999: On April 5, 1999, (b)(7)(C) (b)(7)(C) (b)(7)(C) called Kent PENDERGAST, Materials Inspector, Division of Nuclear Materials Safety, Region IV (RIV), and reported an incident that occurred at Eaton Metal Products, Pocatello, Idaho, that involved a potential overexposure. According to (b)(7)(C) Professional Services Industries, Inc., (PSI), an NRC licensee, was conducting radiography on a 2-1/2 inch thick metal vessel [12-foot diameter] inside an Eaton building, and two Eaton employees wanted to enter the building to close a large door that was creating a draft. According to (b)(7)(C) the two employees would have to cross a rope boundary established by the PSI crew to get to the door. The Eaton employees went to the PSI vehicle in the area and noted that one of the PSI employees [NFI] was asleep in the cab of the truck and proceeded to the truck's darkroom to inquire if it was permissible to cross the boundary to close the door. When they knocked on the darkroom door another PSI employee [NFI] called out, "Don't bother me, I am developing film." The two Eaton employees related that they understood the comment to mean that PSI had completed their radiography. According to (b)(7)(C) the Eaton employees crossed the barrier and walked by the vessel and noticed that film was attached to the vessel. At this time, they realized the source was out, and they exited the building and informed the PSI employee what had happened. According to the Eaton employees, the PSI employee [NFI] told them they did not receive enough dose to be concerned about. According to (b)(7)(C) both of the Eaton employees vomited that night. They reported this to their supervision, and a meeting was held with PSI. During the meeting, the PSI radiographer denied he was asleep in the cab of the truck, and the (b)(7)(C) stated the exposure received was minimal and any vomiting by the employees was because of fear and not radiation.

(b)(7)(C) stated that he heard that someone was at Eaton recently taking measurements, and he assumed it was someone from the state or NRC conducting an investigation. (b)(7)(C) said PSI has a state of Utah and an NRC license. He said he only knew one of the Eaton employees and only by his first name (b)(7)(C). He related he told the two Eaton employees that he was going to contact the NRC, and they did not object.

On April 5, 1999, the RIV Allegation Review Board discussed the information provided by (b)(7)(C) and DNMS expressed some safety concern if there was an overexposure and PSI failed to report it. The ARB decided that DNMS and the Office of Investigations, RIV, should call PSI and ascertain the details of the alleged incident and based on the results of the contact with PSI, it may be required to obtain information from the employees who may have been subjected to an overexposure. Status: FWP ECD: 07/99 (90-day) Potential Violations: 10 CFR 34.41; 51: 20.1301 and 1302

Information in this record was deleted in
accordance with the Freedom of Information Act.
Exemptions 7(C)
FOIA/PA 2012-0113

4/17

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(b)(7)(C)

04/30/1999: On April 19, 1999, a review of the case file identified (b)(7)(C) and (b)(7)(C) as the PSI radiographer and assistant involved in the September 1998 incident. (b)(7)(C) and (b)(7)(C) were identified as the Eaton employees involved in the incident. On April 22, 1999, initial inquiries with PSI determined (b)(7)(C) is no longer employed with PSI. Interviews scheduled for week of May 3-7, 1999, in Salt Lake City, Utah, and Pocatello, Idaho. Case title changed to reflect correct name of PSI (Professional Service Industries, Inc). Status: FWP ECD: 07/99 (90-day)

05/31/1999: On May 3, 1999, (b)(7)(C) and (b)(7)(C) Eaton, were interviewed by OI:RIV in Pocatello, Idaho. Both stated they crossed the boundary assuming no radiography was being conducted. They did not observe any PSI employees in and around the boundary area and estimated the length of time in the boundary area was approximately 30 seconds. (b)(7)(C) stated he approached the PSI van to find out if it was safe to cross and observed one of the PSI employees [NFI] asleep in the truck. As there were no PSI employees in the area, and one of them was asleep, he assumed it was safe. Within seconds of entering the barricaded area (b)(7)(C) was yelled at by the other PSI employee [NFI] and told to get out of the area because it was still hot. They immediately exited the area. (b)(7)(C) stated he became quite ill later that evening but could not definitively attribute his illness to the potential radiation exposure.

On May 5, 1999, (b)(7)(C) (b)(7)(C) was interviewed by OI:RIV in Pocatello, Idaho, and reiterated information previously provided to the RIV Allegation Coordinator. (b)(7)(C) PSI, who was also interviewed by OI:RIV, claimed he was notified of the incident the next day. The special agent interviewed (b)(7)(C) PSI, who was the third individual involved in the barricade breach and potential radiation exposure. (b)(7)(C) claimed there were no PSI employees at the barricade when they crossed and, as such, assumed there was no radiography in progress. (b)(7)(C) was also yelled at by a PSI employee as he was crossing, and he immediately left the area. He experienced no sickness.

On May 5, 1999, (b)(7)(C) PSI, was interviewed by OI:RIV in Salt Lake City, Utah. He acknowledged the event and provided documentation pertinent to the investigation. (b)(7)(C) was also interviewed by OI:RIV and admitted that both he and (b)(7)(C) had erred in not conducting proper two-man surveillance of the barricaded area and that he had actually cranked the source in by himself while (b)(7)(C) was in the van processing film. (b)(7)(C) adamantly maintained that no one crossed the barricade while the source was exposed. He stated he cranked it in and secured it after the last shot. A written sworn statement was taken. Additional inquiries determined (b)(7)(C) is no longer employed with PSI and is now living in (b)(7)(C)

On May 7, 1999, (b)(7)(C) was telephoically interviewed by OI:RIV. He declined to be interviewed in person, stating he was no longer in the radiography field and had provided (b)(7)(C) with all the information about the September 15, 1998, incident. He admitted directing (b)(7)(C) to surveil the area alone while he processed film. He acknowledged receiving training regarding the two-man surveillance rule and the prohibition of an (b)(7)(C) (b)(7)(C) He cited the late hour and desire to finish the job as early as possible as rationale for not following regulations and claims he wasn't thinking about the regulations at the time. He refused to give his physical location and advised he might be moving in the near future. Status: FWP ECD: 07/99 (90-day)

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06/30/1999: Case FOD closed on 06/22/99.

Completion Date: 06/22/1999

Total Staff Hours: 114.0

Issue Date: 06/22/1999

Months Open: 2.5

DOJ Actions: DEC, 06/02/1999

OE Action:

All OI Violations: LC - S

DOJ Referral: