

November 6, 2013
EN 13-040

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Southwest X-Ray Corporation
Glenrock, WY 82637

EA-13-164

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL
PENALTY-\$7,000

This is to inform the Commission that a Notice of Violation (Notice) and Proposed Imposition of a Civil Penalty in the amount of \$7,000 will be issued on or about November 12, 2013, to Southwest X-Ray, Corporation, a radiography licensee. This action is based on violations of 10 CFR 34.41(a) and 34.46(c), respectively, for failure to have a second qualified individual present during radiography operations and to provide supervision of the radiographer's assistant. Specifically, during an NRC inspection on July 8, 2013, the radiographer, who is also the company owner, was in the facility office area and not able to observe the assistant engaging in radiographic operations in the shop area. In accordance with the Enforcement Policy these two violations will be categorized as a single Severity Level III problem.

On September 12, 2013, a pre-decisional enforcement conference (PEC) was held at the licensee's request, and in lieu of engaging the Alternative Dispute Resolution Program option. At the PEC, the apparent violations, their significance, root causes, and potential corrective actions were discussed. The licensee accepted responsibility for the violations at the PEC, as well as in a September 30, 2013, letter that also documented the licensee's corrective actions. However, the staff determined that the licensee's identified corrective actions to date are not sufficiently comprehensive to reasonably preclude the violations from recurring. This issue is addressed according to the NRC Enforcement Policy by requiring a written response to the Notice that includes specifying corrective actions and the date when full compliance will be achieved. Further, the Notice identifies that, if an adequate reply is not received, a Demand for Information may be issued to address modification, suspension, or revocation of the license.

Because Southwest X-Ray has not been the subject of escalated enforcement action within two years or two inspection periods and the staff identified that corrective action credit is not warranted, the staff is proposing imposition of a base civil penalty in the amount of \$7,000 for the subject Severity Level III problem in accordance with the NRC Enforcement Policy.

Southwest X-ray has not been specifically informed of this intended enforcement action. The schedule of issuance and notification is on or about:

Mailing of Notice
Telephone Notification of Licensee

November 12, 2013
November 12, 2013

The State of Wyoming will be notified.

CONTACTS: Susanne Woods, OE, 415-2740

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