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UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 E LAMAR BLVD
ARLINGTON, TX 76011-4511

July 24, 2014

EA-13-261

Jeffrey S. Spearman
Radiation Safety Officer
TECHCORR USA, LLC
17521 Hwy-155, South, Unit B13
Flint, TX 75762

SUBJECT: NOTICE OF VIOLATION - NRC INSPECTION REPORT 030-37457/2014-001 AND
INVESTIGATION REPORT 04-2012-004

Dear Mr. Spearman:

This letter provides you with the U.S. Nuclear Regulatory Commission's (NRC) enforcement decision for the apparent violation(s) of NRC requirements, which were identified as a result of an investigation conducted by the NRC's Office of Investigations and the subsequent in-office inspection conducted by NRC inspectors in Region IV. The investigation and subsequent in-office inspection reviewed your activities in Wyoming as they relate to safety and compliance with the Commission's rules and regulations, and with the conditions of your NRC license. The purpose of the investigation by the Office of Investigations was to review whether willfulness was involved in any of the apparent violations of NRC requirements.

The results of the investigation and inspection were discussed with you and members of your staff during an exit briefing conducted on March 19, 2014, and documented in NRC Inspection Report 030-37457/2014-001. This inspection report and a factual summary of the investigation conducted by the Office of Investigations were provided to you as an enclosure to our letter (ML14168A288), dated April 3, 2014. The inspection report and factual summary are not publicly available because they contain security-related information.

At your request, a Predecisional Enforcement Conference was conducted on April 23, 2014, with you and other representatives from TechCorr USA, LLC (TechCorr) to discuss the apparent violations, their significance, their root causes, and your corrective actions. This conference was closed to public observation because security-related information was discussed. Subsequent to the conference, you provided a letter dated April 24, 2014, documenting your corrective actions. This letter is not publicly available because it contains security-related information.

**Enclosure transmitted herewith contains Security-Related Information.
When separated from enclosure, this transmittal document is decontrolled.**

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Based on the information developed during the investigation and inspection, and the information that you provided during the conference, the NRC has concluded that one willful violation and other security-related violation(s) of NRC requirements occurred. The enclosed Notice of Violation (Notice) identifies the violation(s), and the circumstances surrounding them are described in more detail in the inspection report and the factual summary of the investigation.

Specifically, in the first violation (Violation A in the enclosed Notice), two radiographer's assistants admitted during the investigation to not wearing personnel monitoring equipment (dosimetry) on multiple occasions, as required by 10 CFR 34.47(a). One individual provided circumstances and occasions when he did not wear his dosimetry, which were corroborated by other individuals' testimony. Upon identifying one instance involving the failure to wear dosimetry, management counseled the individual. Both of the radiographer's assistants were aware of the regulatory requirements to wear personnel monitoring equipment. However, under certain circumstances, each individual chose not to wear some or all of his required equipment.

The potential existed for unmonitored exposures, which is a significant issue. The NRC also concluded that willfulness was associated with this violation. Therefore, Violation A in the enclosed Notice has been categorized in accordance with the NRC's Enforcement Policy at Severity Level III.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$7,000 is considered for Severity Level III violations. The NRC considered both the *Identification and Corrective Action* factor for Violation A, since there was willfulness involved. The NRC determined that TechCorr was deserving of credit for these two factors in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. The NRC granted identification credit because the violation was identified to licensee management and the radiographer's assistant was counseled by management.

The corrective actions presented during the conference included increased attention to the safety culture and establishing a policy to ensure that workers are aware that they can take safety concerns to any level of management. During the conference you noted that the corporate radiation safety officer is providing greater oversight in evaluating worker doses. In addition, TechCorr established an administrative monthly threshold for individual exposures. If the administrative threshold is exceeded, then an "as low as reasonably achievable" (ALARA) statement is developed that details the employee's activities during the respective month and the corrective actions that will be taken to reduce monthly exposures.

With regard to the other security-related violation(s) identified in the enclosed Notice, in accordance with the NRC Enforcement Policy, the NRC only considered the *Corrective Action* factor, since there is no willfulness involved and since TechCorr has not been the subject of escalated enforcement actions within the last 2 years. The NRC determined that TechCorr was deserving of credit for the corrective actions in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy.

The corrective actions discussed during the conference included the corporate radiation safety officer establishing a greater presence at field offices. In addition, TechCorr has encouraged continued communications, awareness, and an internal awards program as a means to improve the safety culture of its employees.

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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 Severity Level III violation constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC has concluded that information regarding: (1) the reason for the violations, (2) the corrective actions that have been taken and the results achieved, and (3) the date when full compliance was achieved is already adequately addressed on the docket in the NRC's letter dated April 3, 2014 (transmitting NRC Inspection Report 030-37457/2014-001, and the factual summary from the investigation), and the licensee's letter dated April 24, 2014. 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 Notice.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390, "Public Inspections, Exemptions, Requests for Withholding," of the NRC's "Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC's website at <http://www.nrc.gov/reading-rm/adams.html>.

The material enclosed herewith contains Security-Related Information in accordance with 10 CFR 2.390(d)(1) and its disclosure to unauthorized individuals could present a security vulnerability. Therefore, the material in the enclosure will not be made available electronically for public inspection in the NRC's Public Document Room or in ADAMS.

Sincerely,



Kriss M. Kennedy
Deputy Regional Administrator

Docket: 030-37457
License: 42-29261-01

Nonpublic Enclosure: Notice of Violation

cc w/o enclosure:
Wyoming Office of Homeland Security
Attn: Scott Ramsay, Radiological
Services Manager
5500 Bishop Blvd.
Cheyenne, WY 82002

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