



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

February 11, 2015

EA-14-182

Susan Fraser, President/CEO
High Mountain Inspection Service, Inc.
P.O. Box 1508
Mills, WY 82644-1508

SUBJECT: NOTICE OF VIOLATION - NRC INSPECTION REPORT 030-33887/2014-002

Dear Ms. Fraser:

This letter refers to the inspection conducted on October 7, 2014, at a temporary job site located near Wright, Wyoming. The purpose of the inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations, and with the conditions of your license. This inspection consisted of selected examination of procedures and representative records, observation of activities, and interviews with personnel. The inspector discussed the preliminary inspection findings with Mr. Kevin MacManus, Radiation Safety Officer, at the conclusion of the onsite portion of the inspection. A final exit briefing was conducted telephonically with Mr. MacManus on December 3, 2014.

In the U.S. Nuclear Regulatory Commission's (NRC) letter dated December 12, 2014, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14346A593), transmitting the inspection report, we provided you with the opportunity to address the apparent violation identified in the report by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. In letters dated January 6 and 14, 2015, (ML15009A049 and ML15020A666, respectively) you provided responses to the apparent violation.

Based on the information developed during the inspection and the information that you provided in your responses to the inspection report, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. The violation involved a failure to conduct a survey when approaching a radiography exposure device and guide tube, as required by 10 CFR 34.49(b).

The failure to properly use a survey instrument while approaching a radiography exposure device could potentially lead to unnecessary radiation exposure or overexposure to workers. As a result, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III. The current Enforcement Policy is included on the NRC's Web site at: <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$7,000 is considered for a Severity Level III violation. 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 2.3.4 of the Enforcement Policy. Based on your prompt and comprehensive corrective actions, the NRC has determined that *Corrective Action* credit is warranted. Specifically, your corrective actions included: (1) immediate re-training for the crew as it related to the violation; (2) inclusion of this event in annual refresher training for all other employees, with an increased emphasis on compliance with proper safety procedures; and (3) increased performance of unannounced field audits.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken to correct the violation and prevent recurrence, and the date when full compliance was achieved are already adequately addressed on the docket in your letters dated January 6 and 14, 2015, (ML15009A049 and ML15020A666, respectively) and in NRC Inspection Report 030-33887/2014-002 (ML14346A593). 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 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter, its enclosure, and your response, if you choose to provide one, 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>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

S. Fraser

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If you have any questions concerning this matter, please contact Mr. Michael Vasquez, Chief, Nuclear Materials Safety Branch A, at 817-200-1130.

Sincerely,

/RA/

Kriss M. Kennedy
Deputy Regional Administrator

Docket: 030-33887
License: 49-26808-02

Enclosure:
Notice of Violation

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

S. Fraser

-3-

If you have any questions concerning this matter, please contact Mr. Michael Vasquez, Chief Nuclear Materials Safety Branch A, at 817-200-1130.

Sincerely,

/RA/

Kriss M. Kennedy
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Wyoming Office of Homeland Security
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5500 Bishop Blvd.
Cheyenne, WY 82002

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See next page

DOCUMENT NAME: S:\RAS\ACES\ENFORCEMENT_EA CASES - OPEN\High Mountain Inspection - no survey\Final Action\EA-14-182_High Mountain Inspection_NOV_Rev 2.docx **ML15043A208**

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Letter to Susan Fraser from Kriss M. Kennedy dated February 11, 2015

SUBJECT: NOTICE OF VIOLATION - NRC INSPECTION REPORT 030-33887/2014-002

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NOTICE OF VIOLATION

High Mountain Inspection Service, Inc.
Mills, Wyoming

Docket: 030-33887
License: 49-26808-02
EA-14-182

During an NRC inspection conducted on October 7, 2014, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 34.49(b) requires, in part, that the licensee shall conduct a survey of the radiographic exposure device and the guide tube after each exposure when approaching the device or guide tube.

Contrary to the above, on October 7, 2014, the licensee failed to conduct a survey of the radiographic exposure device and guide tube after each exposure when approaching the device and guide tube. Specifically, at a temporary job site located near Wright, Wyoming, after completing the first exposure of a pipe weld, the radiographer's assistant approached the radiography exposure device and guide tube without a survey instrument.

This is a Severity Level III violation (Section 6.3.c.4).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in your letters dated January 6 and 14, 2015, (ML15009A049 and ML15020A666, respectively) and in NRC Inspection Report 030-33887/2014-002 (ML14346A593).

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-14-182" 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, Region IV, 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, United States Nuclear Regulatory Commission, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region IV.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in 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 are required to post this Notice within 2 working days of receipt.

Dated this 11th day of February 2015

Enclosure