



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

March 14, 2016

Docket No. 03033206

License No. 06-30049-01

James Sherwonit
Vice President/Radiation Safety Officer
STV Incorporated
185 Plains Road, Suite 208E
Milford, CT 06461

SUBJECT: NRC INSPECTION REPORT NO. 03033206/2015001, STV INCORPORATED, MILFORD, CONNECTICUT SITE AND THE WEST HAVEN, CONNECTICUT SITE, AND NOTICE OF VIOLATION

Dear Mr. Sherwonit:

On December 14 and 15, 2015, Steven Courtemanche of this office conducted a safety inspection at the above address and 98 Elm Street, West Haven, Connecticut with continuing in-office review through February 29, 2016. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. The findings of the inspection were discussed with you at the conclusion of the inspection.

Based on the results of this inspection and in accordance with the NRC Enforcement Policy, the NRC has determined that four Severity Level IV violations of NRC requirements occurred. The violations involved: 1) the failure to ensure that before using licensed materials, authorized users had successfully completed one of the training conditions described in Criteria in the section entitled "Training for Working In or Frequenting Restricted Areas" in NUREG-1556, Volume 1, Revision 1 dated November 2001 (License Condition 19); 2) the failure to either maintain documentation demonstrating that unmonitored individuals are not likely to receive a radiation dose in excess of 10 percent of the allowable limits in 10 CFR Part 20, or provide dosimetry processed and evaluated by an NVLAP-approved processor that is exchanged at a frequency recommended by the processor (License Condition 19); 3) the failure to determine the occupational radiation dose received during the current year of each individual who is likely to receive an annual occupational dose requiring monitoring under Section 20.1502 (10 CFR 20.2104); and 4) the failure to ensure all HAZMAT employees receive training required by 49 CFR 172, Subpart H, at least once every three years.

The violations are cited in the enclosed Notice of Violation (Notice), because the violations were identified by the NRC.

A weakness in the licensee's radiation safety program was also identified by the inspector. The licensee did not perform an evaluation to determine the occupational dose of an individual that wore their personal dosimeter during a medical procedure or determine the circumstances behind radiation doses measured on spare personal dosimeters during three successive quarters in 2015. The above does not constitute a violation of NRC requirements because an annual occupational radiation dose limit was not exceeded.

During our inspection exit meeting on February 29, 2016, you indicated that you were unaware of the use of engineers from other firms performing licensed activities for STV, Inc. You stated that you have taken corrective and preventative actions to address each violation and that STV Inc. is committed to radiation safety and to compliance with NRC regulations and licensed conditions. Further, you stated verbally, that you have taken, or will take, the following corrective and preventative actions:

- 1) If individuals perform licensed activities prior to taking the licensee's training program, documentation of the individuals' training will be obtained and confirmed to meet STV's minimum requirements for radiation safety and HAZMAT training;
- 2) If individuals from another firm perform licensed activities for STV, Inc., STV will provide the individual a personal dosimeter to measure the individual's occupational dose from licensed activities;
- 3) If STV, Inc. has an individual perform licensed activities who was not employed by STV earlier in the year, STV will determine if the individual has prior occupational dose from another employer and attempt to obtain that occupational dose history, and;
- 4) STV, Inc. will review occupational exposure reports for anomalies and determine the cause of the anomaly.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website 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.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

The NRC's Safety Culture Policy Statement became effective in June 2011. While a policy statement and not a regulation, it sets forth the agency's *expectations* for individuals and organizations to establish and maintain a positive safety culture. You can access the policy statement and supporting material that may benefit your organization on NRC's safety culture Web site at <http://www.nrc.gov/about-nrc/safety-culture.html>. We strongly encourage you to

J. Sherwonit

3

review this material and adapt it to your particular needs in order to develop and maintain a positive safety culture as you engage in NRC-regulated activities.

Please contact Steven R. Courtemanche at 610-337-5075 if you have any questions regarding this matter.

Sincerely,

/RA/

Christopher G. Cahill, Acting Chief
Commercial, Industrial, R&D and Academic
Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
State of Connecticut

J. Sherwonit

3

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Enclosure:
Notice of Violation

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NOTICE OF VIOLATION

STV Incorporated
Milford, CT

Docket No. 03033206
License No. 06-30049-01

During an NRC inspection conducted on December 14 and 15, 2015, with continuing in-office review through February 29, 2016, four violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1101(a) requires that each licensee shall develop, document, and implement a radiation protection program commensurate with the scope and extent of licensed activities and sufficient to ensure compliance with the provisions of this part.

Condition 19 of NRC License No. 06-30049-01 requires, in part, that except as specifically provided otherwise in this license, the licensee conduct its program in accordance with the statements, representations, and procedures contained in the application dated August 26, 2008.

1. Item 8, "Training for Individuals Working In or Frequenting Restricted Areas" of the application dated August 26, 2008, requires that before using licensed materials, authorized users will have successfully completed one of the training courses described in Criteria in the section entitled "Training for Individuals Working In or Frequenting Restricted Areas" in NUREG-1556, Volume 1, Revision 1, dated November 2001.

Contrary to the above, from June 9, 2014, through November 15, 2014, the licensee did not ensure that before using licensed materials, authorized users had successfully completed one of the training courses described in Criteria in the section entitled "Training for Individuals Working In or Frequenting Restricted Areas" in NUREG-1556, Volume 1, Revision 1, dated November 2001. Specifically, the licensee used individuals from other engineering firms during the above dates without confirming that the individuals had completed one of the above described training courses.

This is a Severity Level IV violation (Enforcement Policy Section 6.3).

2. Item 10, "Radiation Safety Program – Occupational Dosimetry" of the application dated August 26, 2008, requires that either the licensee maintain, for inspection by NRC, documentation demonstrating that unmonitored individuals are not likely to receive a radiation dose in excess of 10 percent of the allowable limits in 10 CFR Part 20, or the licensee will provide dosimetry processed and evaluated by an NVLAP-approved processor that is exchanged at a frequency recommended by the processor.

Contrary to the above, from June 9, 2014, through November 15, 2014, the licensee neither maintained, for inspection by NRC, documentation

demonstrating that unmonitored individuals were not likely to receive a radiation dose in excess of 10 percent of the allowable limits in 10 CFR Part 20, nor provided dosimetry processed and evaluated by an NVLAP-approved processor that was exchanged at a frequency recommended by the processor. Specifically, the licensee used individuals from other engineering firms to perform licensed activities and did not make an evaluation to show that the individuals were not required to be monitored nor did the licensee provide the individuals with dosimetry to differentiate the occupational exposure received from the licensee's work from that of the other engineering firm.

This is Severity Level IV violation (Enforcement Policy Section 6.3).

- B. 10 CFR 20.2104 requires for each individual who is likely to receive an annual occupational dose requiring monitoring under Section 20.1502, the licensee shall determine the occupational radiation dose received during the current year.

Contrary to the above, as of December 22, 2015, the licensee did not determine the occupational dose received during the current year for each individual who was likely to receive an annual occupational dose requiring monitoring under 10 CFR 20.1502. Specifically, the licensee used four employees from other engineering firms in 2014 for licensed activities using portable moisture density gauges without determining their occupational dose for the current year.

This is a Severity Level IV violation (Enforcement Policy Section 6.3).

- C. 10 CFR 71.5(a) requires each licensee who transports licensed material outside the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the Department of Transportation regulations in 49 CFR parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

49 CFR 172.704 requires, in part, that a HAZMAT employee receive training required by the subpart, at least once every three years.

Contrary to the above, from June 9, 2014, through November 15, 2014, the licensee did not ensure that four HAZMAT employees received training required by the subpart, at least once every three years. Specifically, the licensee used four employees from other engineering firms in 2014 for licensed activities involving transporting portable moisture density gauges on public highways without determining that the four HAZMAT employees had completed the training within the past three years.

This is a Severity Level IV violation (Enforcement Policy Section 6.8).

Pursuant to the provisions of 10 CFR 2.201, STV Incorporated is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I,

within 30 days of the date of the letter transmitting 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.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated This 14th day of March 2016