

July 1, 2016
EN 16-014

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Acuren USA EA-15-173
Greenwich, CT

Individuals: Mr. Troy Morehead, Radiographer IA-16-025
Mr. Kyle Dickerson, Radiographer IA-16-026

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY-
\$7,000 WITH ISSUANCE OF CONFIRMATORY ORDERS TO INVOLVED
RADIOGRAPHERS TROY MOREHEAD AND KYLE DICKERSON

This is to inform the Commission that a Notice of Violation (Notice) and Proposed Imposition of a Civil Penalty of \$7,000 will be issued to Acuren USA (licensee), a radiography company; and Confirmatory Orders (Orders) will be issued to licensee radiographers, Troy Morehead and Kyle Dickerson, on or about July 7, 2016. The Notice documents a Severity Level III (SL III) problem and a base civil penalty involving two willful violations, and a second SL III problem involving four non-willful violations.

The first SL III problem consists of two willful violations involving the failure to: (1) keep the radiation restricted area perimeter and the high radiation area under constant surveillance during radiographic operations in accordance with License Condition 19.A of NRC License 50-32443-01 and 10 CFR 34.51; and (2) conspicuously post the radiation area or the high radiation area where industrial radiography was being performed as required by 10 CFR 34.53. The second SL III problem consists of four non-willful violations involving the failure to: (1) calculate the total effective dose equivalent to the member of the public who could likely receive the highest dose; (2) conduct an inspection program of radiographer job performance (3) review the radiation program content and implementation at intervals not to exceed 12 months; and (4) provide annual refresher training.

Orders will be issued to the radiographers responsible, in part, for the licensee's violations. After review of the information developed during the investigation, the NRC determined that the radiographers, Mr. Troy Morehead and Mr. Kyle Dickerson, were in violation of 10 CFR 30.10, the NRC's rule on deliberate misconduct, when they placed the licensee in violation of 10 CFR Part 34 requirements by not posting a high radiation area during radiographic operations and not keeping the perimeter of the area under constant surveillance.

The NRC offered Alternative Dispute Resolution (ADR) and a pre-decisional enforcement conference (PEC) to the licensee. On May 12, 2016, a PEC was held at the licensee's request. The PEC focused on discussions regarding the circumstances surrounding the apparent violations; the significance and root causes of the apparent violations; and the licensee's corrective actions. In accordance with the civil penalty assessment process in Section 2.3.4 of the NRC Enforcement Policy the NRC considered whether credit was warranted for identification of the violations associated with willfulness and whether corrective action credit was warranted. Because the violations were identified by the NRC, identification credit is not warranted. However, corrective action credit is warranted for the licensee's extensive corrective actions that include the analysis of potential exposures to individual members of the public, program-wide reviews, increased field audits of radiographers employed by all Acuren companies, and refresher training and testing of radiographers. Therefore, to emphasize the importance of compliance with regulatory requirements and of prompt and comprehensive

correction of violations, a base civil penalty of \$7,000 is being proposed for the willful SL III problem.

The NRC offered ADR and a PEC to Mr. Morehead and Mr. Dickerson. At the request of these individuals, a joint ADR mediation session was held on June 3, 2016. A preliminary settlement agreement was reached including such actions as providing training to other radiographers, shadowing a radiation safety officer during the performance of inspections of actual radiographic operations, and submitting an article conveying personal lessons learned to an industry publication. The agreement also documents that both individuals agree that they caused the licensee to be in violation of 10 CFR Part 34 requirements; however, they disagree with the NRC's characterization of the violations as deliberate. In consideration of the commitments made by Mr. Morehead and Mr. Dickerson, the NRC will refrain from issuing a Notice to each individual for 10 CFR 30.10 violations.

Commensurate with the ADR process, Mr. Morehead and Mr. Dickerson were specifically informed of, and agreed to this enforcement action, including each individual providing a signed waiver to their respective right to a hearing. In contrast to the individuals, it should be noted that the licensee has not been informed of the final enforcement action. The schedule of issuance and notification is on or about the following dates:

Mailing of Notice and Confirmatory Orders	July 7, 2016
Telephone notification to the licensee and both individuals	July 7, 2016

The State of Alaska will be notified.

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