



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

January 4, 2019

EA-18-124

Mr. David P. Tebo
Corporate Radiation Safety Officer
Team Industrial Service, Inc.
200 Hermann Drive
Alvin, TX 77511

SUBJECT: NRC INSPECTION REPORT 030-35252/2018-003 AND NRC INVESTIGATION
REPORT 4-2018-002

Dear Mr. Tebo:

This letter refers to an investigation conducted by the U.S Nuclear Regulatory Commission (NRC) Office of Investigations, of activities conducted by Team Industrial Services, Inc. (Team Industrial). The purpose of the investigation was to determine if Team Industrial radiographers willfully unlocked an exposure device prior to moving the device aboard the USS Harpers Ferry. The investigation was initiated on October 12, 2017, and was completed on August 27, 2018. A final exit briefing was conducted (telephonically) with you and members of your staff on December 11, 2018. A factual summary (Enclosure 1) provides a summary of the facts of the case and the basis for the NRC's concern that deliberate misconduct may have been involved.

Based on the results of the investigation, one apparent violation was identified and is being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The Enforcement Policy can be found on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The apparent violation involved the failure to fully lock an exposure device prior to relocation to another physical location. The NRC considers this apparent violation significant because a safety barrier was not in place while the device was being hand-carried aboard a Navy ship, which could have resulted in an inadvertent exposure. The details of the apparent violation are documented in Enclosure 2.

Before the NRC makes its enforcement decision, we are providing you an opportunity to: (1) respond to the apparent violation addressed in Enclosure 2 within 30 days of the date of this letter, (2) request a predecisional enforcement conference (PEC), or (3) request alternative dispute resolution (ADR). If a PEC is held, the NRC may issue a press release to announce the time and date of the conference; however the PEC will be closed to public observation since information related to an Office of Investigations report will be discussed and the report had not been made public. If you decide to participate in a PEC or pursue ADR, please contact Mr. James Thompson at 817-200-1538 within 10 days of the date of this letter. A PEC should be held within 30 days and an ADR session within 45 days of the date of this letter.

If you choose to provide a written response, it should be clearly marked as a "Response to Apparent Violation in NRC Inspection Report 030-35252/2018-003; EA-18-124," and should

include for the apparent violation: (1) the reason for the apparent violation or, if contested, the basis for disputing the apparent violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response.

Additionally, your response should be sent to the NRC's Document Control Center, with a copy mailed the Director, Division of Nuclear Materials Safety, U.S. Nuclear Regulatory Commission, NRC Region IV, 1600 E. Lamar Blvd., Arlington, TX 76011, within 30 days of the date of this letter. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a PEC.

If you choose a PEC, the conference will afford you the opportunity to provide your perspective on these matters and any other information that you believe the NRC should take into consideration before making an enforcement decision. The decision to hold a PEC does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference would be conducted to obtain information to assist the NRC in making an enforcement decision.

The topics discussed during the conference may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned. In presenting your corrective action, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violations. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful. You can find an updated excerpt from NRC Information Notice 96-28, on the NRC Web Site at <http://www.nrc.gov/docs/ML0612/ML061240509.pdf>.

In lieu of a PEC, you may request ADR with the NRC in an attempt to resolve this issue. Alternative Dispute Resolution is a general term encompassing various techniques for resolving conflicts using a third party neutral. The technique that the NRC has decided to employ is mediation. Mediation is a voluntary, informal process in which a trained neutral mediator works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues.

Additional information concerning the NRC's ADR program can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. Please contact ICR at 877-733-9415 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through ADR.

In addition, please be advised that the number and characterization of apparent violation(s) described in the enclosed inspection report may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations on this matter.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosures, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and 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 or proprietary information so that it can be made available to the public without redaction.

If you have any questions concerning this matter, please contact Mr. James Thompson of my staff at 817-200-1538.

Sincerely,

/RA/

Troy Pruett, Director
Division of Nuclear Materials Safety

Docket No. 030-35252
License No. 42-32219-01

Enclosures:

1. Factual Summary of OI Investigation
Report 4-2018-002
2. NRC Inspection Report 030-35252/2018-003

cc (w/Enclosures):

E. Skotak, Manager
Texas Radiation Control Program

NRC INSPECTION REPORT 030-35252/2018-003 AND NRC INVESTIGATION REPORT
4-2018-002 – DATED January 4, 2019.

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ADAMS ACCESSION NUMBER: ML19007A23

SUNSI Review: JGK ADAMS: Non-Publicly Available Non-Sensitive Keyword:
By: JGK Yes No Publicly Available Sensitive

OFFICE	MLIB	C:MLIB	TL:ACES	RC	OE	OGC
NAME	A Bolger	J Thompson	M Vasquez	D Cylkowski	S Holiday	Lbaer
SIGNATURE	/RA/	/RA/	/RA/ JK for	/RA/	/RA/	NLO/E
DATE	12/4/18	12/5/18	12/26/18	01/02/19	12/28/18	01/02/19
OFFICE	NMSS	D:DNMS				
NAME	RSun	TWPruett				
SIGNATURE	/RA/E	/RA/				
DATE	12/31/18	1/4/19				

OFFICIAL RECORD COPY

FACTUAL SUMMARY OF NRC INVESTIGATION REPORT 4-2018-002

On October 12, 2017, the U.S. Nuclear Regulatory Commission Office of Investigations initiated an investigation to determine if Team Industrial Service, Inc. (Team Industrial) radiographers willfully unlocked a gamma exposure device (device) prior to carrying the device aboard the USS Harpers Ferry. The investigation was completed on August 27, 2018.

The Office of Investigations interviewed the Team Industrial personnel that performed radiographic operations aboard the USS Harpers Ferry on August 29, 2017, including two radiographers (R1 and R2). R1 testified that prior to taking custody of the device and boarding the USS Harpers Ferry, R1 questioned R2 as to the locked status of the device. In response, R2 unlocked the device in the line-of-sight of R1. R2 also admitted to unlocking the device prior to R1 handling it. Both R1 and R2 testified that they were familiar with the Team Industrial operating and emergency procedures and were aware that the device was required to be locked when relocated to a new location.

The Office of Investigations also interviewed the Team Industrial Radiation Safety Officer, who testified that immediately after the incident, R1 and R2 explained that they had unlocked the device in order to save time.

Therefore, based on the evidence, it appears that two Team Industrial employees (R1 and R2) deliberately failed to follow procedural requirements when unlocking and relocating a device. This appears to have caused Team Industrial to be in violation of License Condition 25 of its license.

**U.S. NUCLEAR REGULATORY COMMISSION
REGION IV**

Docket: 030-35252

License: 42-32219-01

Report: 2018-003

EA No.: EA-18-124

Licensee: Team Industrial Service, Inc.

Facility: USS Harpers Ferry

Location: N/A

Dates: N/A

Inspectors: Allyce B. Bolger, Health Physicist
Materials Licensing and Inspection Branch
Division of Nuclear Materials Safety

Approved By: James L. Thompson, Chief
Materials Licensing and Inspection Branch
Division of Nuclear Materials Safety

Attachment: Supplemental Inspection Information

SUMMARY OF APPARENT VIOLATION

License Condition 25.A of NRC Materials License 42-32219-01 Amendment 54, requires, in part, that the licensee conduct its program in accordance with the procedures contained in the application dated March 20, 2015. A procedure identified in the application, Operating Procedure 30.J.2 "Operating & Emergency Procedure," Revision 14, Section 14, "Operating Procedures for Radiographic and X-ray Equipment," Step 14.4.3.e.1, requires, in part, that if the radiographic exposure device is to be relocated for subsequent exposures, the device shall be placed in the fully locked position if there is movement to another physical location.

Contrary to the above, on August 29, 2017, the licensee moved a radiographic exposure device for to another physical location and failed to ensure that the device was placed in the fully locked position. Specifically, the radiographers carried a radiographic exposure device from the location of their truck, at the pier, to on board the USS Harpers Ferry.

The licensee's failure to lock the exposure device prior to moving it to another physical location was identified as an apparent violation of License Condition 25 of NRC Materials License 42-32219-01 (03035252/2018003-01).

SUPPLEMENTAL INSPECTION INFORMATION

LIST OF PERSONS CONTACTED

David Tebo, Corporate Radiation Safety Officer

INSPECTION PROCEDURES USED

Procedures: None
Office of Investigations Report 4-2018-002

ITEMS OPENED, CLOSED, AND DISCUSSED

Opened

030-35252/2018-003-01 AV Failed to ensure the exposure device was locked for relocation.

Closed

None

Discussed

None

LIST OF ACRONYMS AND ABBREVIATIONS USED

ADAMS	Agencywide Documents Access and Management System
AV	Apparent Violation
CFR	<i>Code of Federal Regulations</i>
NRC	Nuclear Regulatory Commission