



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

May 14, 2019

EA-19-038

Mr. Orville McBride
President and Radiation Safety Officer
American Piping Inspection
17110 East Pine Street
Tulsa, OK 74116

SUBJECT: NRC ROUTINE INSPECTION REPORT 030-38579/2019-001 AND NOTICE OF VIOLATION

Dear Mr. McBride:

This letter refers to the routine, unannounced inspection conducted on February 5, 2019, at your facility in Tulsa, Oklahoma. The inspection was an examination of activities conducted under your license as they relate to public health and safety, to confirm compliance with the U.S. Nuclear Regulatory Commission's (NRC's) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, observations of licensed activities, and interviews with personnel. The inspection findings were discussed with you and Mr. John McCain during a telephonic exit meeting on May 14, 2019.

The inspector reviewed the licensee's compliance with personnel dosimetry requirements under 10 CFR 34.47 and determined that the licensee is using direct ion storage dosimetry designed for remote data evaluation to meet this requirement. The inspector reviewed the conditions described in NRC Enforcement Guidance Memorandum (EGM) 18-001, "Interim Guidance for Dispositioning Apparent Violations of 10 CFR Parts 34, 36, and 39 Requirements Resulting from the use of Direct Ion Storage Dosimetry During Licensed Activities," dated May 11, 2018 (EA-19-038).

The inspector determined that the licensee is meeting the following criteria from EGM 18-001: (1) the direct ion storage dosimeters are being provided and dose data evaluated and reported for the dose of record by a National Voluntary Laboratory Accreditation Program (NVLAP) accredited processor, (2) the licensee and NVLAP processor have implemented specified quality controls to ensure that the dosimeter is calibrated and/or replaced appropriately, and (3) the licensee has maintained the necessary documentation and records to demonstrate that the criteria of EGM-18-001 are being implemented. Unresolved item 030-38579/2018-001-01 is closed. Future inspections will review and determine whether the criteria of EGM-18-001 continues to be met. If the NRC identifies that DIS dosimetry arrangements do not meet the criteria of EGM-18-001, a violation of 10 CFR 34.47(a) and (a)(3) will be considered. Such reviews will continue for as long as EGM-18-001 criteria remain in effect.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at

<http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation of 10 CFR 34.47(a)(3) involved the failure to have the NVLAP-accredited processor process and evaluate personnel dosimeters of radiographers at periods not to exceed three months and is described in the enclosed Notice of Violation (Notice). The violation is being cited because it was identified by the NRC during the routine inspection.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful. You can find the Information Notice on the NRC website at:

<http://pbadupws.nrc.gov/docs/ML0612/ML061240509.pdf>. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure, and your response, 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 or proprietary information so that it can be made available to the Public without redaction.

Should you have any questions regarding this letter or the enclosed Notice, please contact Allyce B. Bolger at 817-200-1197 or the undersigned at 817-200-1455.

Sincerely,

/RA/

Patricia A. Silva, Chief
Materials Licensing and Inspection Branch
Division of Nuclear Materials Safety

Docket: 030-38579
License: 35-35011-01

Enclosure:
Notice of Violation (Notice)

cc:
Michael Broderick, Director
Radiation Management Section
Oklahoma Department of Environmental
Quality

NRC ROUTINE INSPECTION REPORT 030-38579/2019-001 AND NOTICE OF VIOLATION
DATED May 14, 2019

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NOTICE OF VIOLATION

American Piping Inspection
Tulsa, Oklahoma

Docket No.: 030-38579
License No.: 35-35011-01
EA-19-038

During an NRC inspection conducted on February 5, 2019, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 34.47(a)(3) requires, in part that, personnel dosimeters processed and evaluated by an accredited NVLAP processor must be replaced at periods not to exceed 3 months.

Contrary to the above, from the period of July 2018 through January 2019, the licensee failed to ensure personnel dosimeters were processed and evaluated by an accredited NVLAP processor at periods not to exceed 3 months. Specifically, the personnel dosimeters for two radiographers were not processed and evaluated by Mirion Technologies, the NVLAP-accredited processor, during the periods of July through December 2018 and October 2018 through January 2019, respectively, exceeding the 3-month frequency.

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

Pursuant to the provisions of 10 CFR 2.201, American Piping Inspection is hereby required to submit a written statement or explanation 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). This reply should be clearly marked as a "Reply to a Notice of Violation; EA-19-038" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (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 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 requiring information 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, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

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>. 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 personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a

Enclosure

redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information).

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 May 2019.