

U. S. NUCLEAR REGULATORY COMMISSION  
REGION I

Enforcement Conference Report No. 030-29882/90-002

Enforcement Action No. 90-12

Meeting No: 90-007

Docket No. 030-29882

License No. 37-28004-01

Licensee: TEI Analytical Service, Inc.  
35 West Point Road  
P.O. Box 534  
Washington, Pennsylvania 15301

Enforcement Conference At: Region I, King of Prussia, Pennsylvania

Enforcement Conference Conducted: January 25, 1990

Prepared by: *David J. Collins*  
for David J. Collins, Health Physicist

*2/2/90*  
date

Approved by: *John R. White*  
John R. White, Chief  
Nuclear Materials Safety Section C

*2/2/90*  
date

Summary: The findings documented in Inspection Report No. 030-29882/90-001 were discussed. The licensee described corrective actions taken or planned to preclude a recurrence. The NRC's Enforcement Policy was explained.

## DETAILS

### 1.0 Persons Attending

#### 1.1 TEI Analytical Service, Inc.

Gary E. Weiss, General Manager, RSO  
Scott Weiss

#### 1.2 Nuclear Regulatory Commission

John R. White, Chief, Nuclear Materials Safety Section C  
James H. Joyner, Division Project Manager  
Daniel J. Holody, Enforcement Officer  
Karla D. Smith, Regional Attorney  
David J. Collins, Radiation Specialist  
James P. Dwyer, Health Physicist  
Glenn Roberts, Health Physicist

### 2.0 Conference Summary

- 2.1 Introductions were made and the representatives of TEI Analytical Service, Inc. were addressed by John White. Mr. White explained the purpose of the conference. He indicated the NRC was interested in gaining a perspective of the incident, resolving the matters discussed in the report, and providing TEI representatives an opportunity to verify the facts as documented in the report.
- 2.2 Mr. Gary Weiss admitted the following violations;
- a. The hand exposure of 36 rem was in excess of the permissible exposure of 18.75 rem as specified in 10 CFR 20.101;
  - b. The assistant radiographer failed to perform an adequate survey of the exposure device and guide tube as required by 10 CFR 34.43(b); and,
  - c. The licensee had not registered as a user of shipping packages, as required by 10 CFR 71.12.
- 2.3 Mr. Weiss disputed the possible finding that the radiographer's assistant may have failed to secure the device with the source in the shielded position. He indicated that both the radiographer and assistant stated that the device was locked. He further provided information based on his contact with the cable manufacturer that the sub-zero temperature at the job site may have permitted the lock to actuate even if the source was not fully retracted.

- 2.4 Mr. Weiss disputed the possible finding that the radiographer may have failed to supervise the assistant. He provided information about the licensee's training program, and the experience of both individuals. He also described the difficult working conditions at the job site, which permitted only limited direct observation of the assistant by the radiographer.
- 2.5 Mr. Weiss discussed the field auditing program and his policy of informing his radiographers and their assistants about new policies and NRC notices of incidents.
- 2.6 Mr. Weiss explained and detailed the licensee's corrective actions for the exposure event which included the following:
1. The assistant radiographer was immediately restricted to non-radiation work for the balance of the quarter.
  2. The assistant radiographer's operating qualifications were immediately suspended pending satisfactory completion of retraining.
  3. All radiography personnel were informed of the particulars of the incident. The need for an adequate survey of the exposure device and guide tube was re-reinforced.
  4. Action was initiated to immediately replace all guide tubes that did not fit properly.
  5. An outside consultant was retained to perform an independent review of the incident, as well as to audit the TEI program for effectiveness.
- 2.7 Mr. Holody described the enforcement options available within the NRC's Enforcement Policy.

### 3.0 Other Items Discussed

- 3.1 It was identified that the licensee has not yet completed the requirements relative to 10 CFR 71.12, regarding prerequisites to transport and ship packages of radioactive materials. The licensee was instructed, following the conference, to assure complete compliance with the requirements of 10 CFR 71.12 prior to transporting or shipping any packages containing radioactive materials.

### 4.0 Closing

Mr. White thanked Gary and Scott Weiss for their attendance and presentation. He concluded by saying the presentation was informative and would be considered in deciding the appropriate enforcement action to be taken.