

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Edwards Pipeline Testing, Inc.
Tulsa, Oklahoma

Docket No. 030-28835
License No. 35-23193-01
EA 93-015

During NRC inspections conducted on August 26, 1992, and February 10, 1993, and an investigation completed in April 1993, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

A. Violation Assessed a Civil Penalty

10 CFR 34.11(d)(1) requires, in part, that an applicant have an inspection program that requires the observation of the performance of each radiographer and radiographer's assistant during an actual radiographic operation at intervals not to exceed three months.

License Condition 19 (as it existed at the time of the violation) incorporated the inspection program containing the requirements stated in 10 CFR 34.11(d)(1), as submitted in the licensee's application dated August 5, 1985, and subsequent letter and enclosure received September 30, 1985, into License No. 35-23193-01.

Item 4 of the September 30, 1985, letter references internal inspection procedures contained in Section III, Item 14, of the licensee's operating procedures manual ("manual") enclosed with that letter.

Item 14.3 of the manual states that field inspections shall be performed on each radiographer and radiographer's assistant at least once each quarter. Item 14.4 further states that any radiographer or radiographer's assistant who has not worked for at least 3 months shall be subject to a field inspection performed during the first job (radiography) which they perform.

Contrary to the above, between August 30, 1990, and August 26, 1992, the licensee had not observed each radiographer and radiographer's assistant during actual radiographic operations, at least once each quarter. Specifically, based on information provided by the licensee during the inspection and at the enforcement conference, a substantial number of radiographers and radiographer's assistants were engaged in radiographic operations but were not audited through a field inspection during actual radiographic operations at the required frequency.

This is a Severity Level II violation (Supplement VI).
Civil Penalty - \$12,000

B. Violation Not Assessed a Civil Penalty

10 CFR 34.33(a) requires, in part, that a licensee not permit any individual to act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, the individual wears a direct reading pocket dosimeter, an alarm ratemeter, and either a film badge or a thermoluminescent dosimeter.

Contrary to the above, on February 10, 1993, a radiographer employed by the licensee did not wear an alarm ratemeter while conducting radiographic operations at a temporary field site location near Pocatello, Idaho.

This is a Severity Level III violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Edwards Pipeline Testing, Inc. (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved.

If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or the cumulative amount of the civil penalties if more than one civil penalty is proposed, or may protest imposition of the civil penalty, in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be

clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violation(s) listed in this Notice, in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty, in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section VI.B.2 of 10 CFR Part 2, Appendix C should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The response noted above (Reply to Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011.

Dated at Arlington, Texas
this 1st day of September 1993

Enclosure 2

Enforcement Conference Attendance List

Licensee: Edwards Pipeline Testing, Inc., Tulsa, Oklahoma
Time/Date: 1 p.m. CDT July 19, 1993
Location: NRC Region IV, Arlington, Texas
EA No.: EA 93-015

Edwards Pipeline Testing, Inc.

John B. Connally III, President, International Testing Services, Inc.
Don Earl Edwards, President, Edwards Pipeline Testing, Inc.
T. D. Reeder, Radiation Safety Officer, Edwards Pipeline Testing, Inc.
Larry Lake, Asst. Radiation Safety Officer, Edwards Pipeline Testing, Inc.

Nuclear Regulatory Commission

John M. Montgomery, Deputy Regional Administrator, Region IV (RIV)
William L. Brown, Regional Counsel, RIV
L. Joseph Callan, Director, Division of Radiation Safety & Safeguards, RIV
Charles L. Cain, Chief, Nuclear Materials Inspection Section, DRSS, RIV
Linda L. Kasner, Senior Radiation Specialist, NMIS, DRSS, RIV
Mark R. Shaffer, Radiation Specialist, NMIS, DRSS, RIV
Gary F. Sanborn, Enforcement Officer, RIV
Geoffrey D. Cant, Enforcement Specialist, Office of Enforcement