

U.S. NUCLEAR REGULATORY COMMISSION

REGION III

Enforcement Conference Report No. 030-17304/94001(DRSS)

Docket No. 030-17304

License No. 34-18882-01

Licensee: H. C. Nutting Company  
Cincinnati, Ohio

Enforcement Conference At: NRC Region III Office (via Telephone)  
Lisle, Illinois

Enforcement Conference Conducted: January 11, 1994

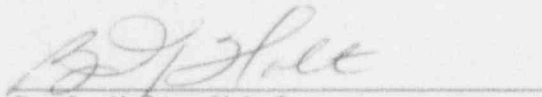
Inspection Conducted: December 15, 1993

Inspector:

  
James L. Cameron  
Radiation Specialist

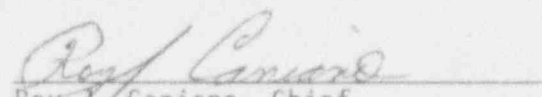
1/12/94  
Date

Reviewed By:

  
B. J. Holt, Chief  
Nuclear Materials Inspection  
Section 1

1/12/94  
Date

Approved By:

  
Roy J. Caniano, Chief  
Nuclear Materials Safety Branch

1/12/94  
Date

Meeting Summary

Enforcement Conference on January 11, 1994 (via Telephone) (Report No. 030-17304/94001(DRSS))

Areas Discussed: A review of the findings from the December 15, 1993 inspection, including a discussion of the apparent violations and deviation, the accuracy the facts, causal factors, the corrective actions taken or planned by the licensee, and the NRC Enforcement Policy.

## DETAILS

### 1. Conference Attendees

#### H. C. Nutting Company

Jerry Lindsey, Vice President, Field Services  
Walter W. Becker, Radiation Safety Officer

#### Nuclear Regulatory Commission

Roy J. Caniano, Chief, Nuclear Materials Safety Branch, Region III  
Paul Pelke, Enforcement Specialist, Region III  
B. J. Holt, Chief, Nuclear Materials Inspection Section 1, Region III  
Bruce Berson, Regional Counsel, Region III  
James L. Cameron, Radiation Specialist, Region III  
Robert Gattone, Radiation Specialist, Region III

### 2. Enforcement Conference Summary

An Enforcement Conference was held in the NRC Region III office via telephone on January 11, 1994, between members of the NRC and H. C. Nutting Company staffs. The conference was held to discuss the findings of an NRC inspection conducted on December 15, 1993, which identified several apparent violations and one apparent deviation from a written commitment. One apparent violation, which is being considered for escalated enforcement, involved the licensee's failure to secure or maintain constant surveillance of licensed material in an unrestricted area.

The purpose of the conference was to: (1) review the apparent violations and deviation; including root and contributing causes; (2) discuss the accuracy of the inspection findings; (3) discuss the licensee's corrective actions; (4) determine whether there were any aggravating or mitigating circumstances; and (5) obtain other information that would help determine the appropriate enforcement action. NRC inspection findings are documented in Inspection Report No. 030-17304/93001(DRSS), transmitted to the licensee by letter dated December 28, 1993.

The licensee did not contest the apparent violation and deviation and agreed with the accuracy of the information presented. In addition, the licensee confirmed the correction of an error contained in the inspection report described by the inspector. The error is contained on page 7 of Inspection Report No. 030-17304/93001(DRSS), second paragraph, in the sentence beginning "Since Mr. Becker appears qualified..." That sentence should state, "Since the unauthorized individual appears qualified to provide the training and all required training topics were covered in the course, this problem does not appear to constitute a safety concern."

The licensee described its corrective actions for the apparent violations and the deviation that were discussed during the conference. In summary, the licensee's corrective actions include: (1) re-instructing the gauge operator involved in the June 7, 1991 incident; (2) informing all licensee authorized gauge users of the event and the potential consequences of such an event; (3) re-instructing all licensee gauge operators in the operating and emergency procedures associated with the use of licensed gauges; and (4) attaching seven-foot tall orange bicycle flags to all gauges to increase their visibility at temporary job sites. With regard to the apparent violations associated with the licensee's training program and designation of authorized users, the licensee committed to: (1) ensuring that the authorized individual, Mr. W. Becker, provides instruction in the licensee's "in-house" training program; (2) ensuring that individuals designated as authorized users complete either the device manufacturer's training program for gauge users or the licensee's approved "in-house" training program; and (3) applying for, and obtaining, NRC approval for any changes to its training program. Furthermore, the licensee agreed to fulfill the commitment contained in its December 21, 1992 followup to an October 28, 1992 initial incident notification, regarding the installation of lock boxes in vehicles used to transport licensed gauges, in an effort to reduce the likelihood of further thefts.

The NRC staff acknowledged the licensee's statements and indicated that they would be considered in the NRC's decision for enforcement action.

3. Concluding Statement

NRC representatives summarized the NRC Enforcement Policy and process and indicated that the licensee will be notified in writing of NRC's proposed enforcement actions.