



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400  
ARLINGTON, TEXAS 76011-8064

MAR 2 1994

Docket: 030-32190  
License: 49-27356-01  
EA 93-238

Western Industrial X-Ray Inspection Company, Inc.  
ATTN: Larry Wicks  
P.O. Box 468  
Evanston, Wyoming 82931-0468

SUBJECT: ENFORCEMENT CONFERENCE

The purposes of this letter are to confirm the arrangements for a transcribed enforcement conference to be conducted in our office on March 25, 1994, at 9 a.m. CST, and to provide you with a summary of apparent violations and other regulatory concerns that the NRC expects you to be prepared to discuss. The plans for conducting this enforcement conference were discussed between you and Ms. Linda Kasner of my staff by telephone on March 2, 1994. A court reporter will be present to transcribe this conference.

As discussed with you on March 2, the results of NRC inspections and investigations conducted in April 1993 and January 1994 indicate that Western Industrial X-Ray Inspection Company, Inc. (WIX) has not conducted industrial radiography activities in compliance with all NRC requirements. The NRC is concerned about the apparent violations because they indicate less than sufficient attention to assuring the safety of workers and the public, and, in some cases, because they appear to have been committed willfully.

Based on the results of the inspections and the preliminary results of the investigations, the apparent violations summarized below are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), 10 CFR Part 2, Appendix C. A copy of the Enforcement Policy is enclosed. In addition, please be advised that the number and characterization of apparent violations described below may change as a result of further NRC review.

Several of the apparent violations stem from the NRC's review of a July 31, 1993, incident involving two WIX employees -- a radiographer and assistant radiographer -- who were performing radiography on a pipeline near LaBarge, Wyoming. We are most concerned that WIX made little apparent effort to determine the radiation exposure of the assistant radiographer involved in this incident and, despite stating that it had sent her TLD in for immediate processing, conducted no apparent follow-up evaluation when the TLD results were not received.

Based on its review of the July 1993 incident, and its inspections and investigations of WIX in April 1993 and January 1994, the NRC has identified apparent violations of the following requirements:

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- 1) 10 CFR 20.201(b), which requires, in effect, that you evaluate personnel exposures to assure compliance with the exposure limits in 10 CFR Part 20;
- 2) 10 CFR 20.408, which requires you to provide NRC a report of an individual's radiation exposure no later than 90 days after the date of termination of employment;
- 3) 10 CFR 34.33(d), which requires you to send in for immediate processing the TLD of any individual whose pocket dosimeter is discharged beyond its range;
- 4) 10 CFR 34.33(f)(4), which requires, in part, that alarm ratemeters worn by radiography personnel be calibrated at frequencies not to exceed one year;
- 5) 10 CFR 34.33(c), which requires that pocket dosimeters be calibrated at 12-month intervals;
- 6) 10 CFR 34.33(f)(1), which requires radiography personnel to check the alarm ratemeter alarm mechanism prior to the start of each shift;
- 7) 10 CFR 34.43(b), which requires radiography personnel to survey the radiographic exposure device after each exposure;
- 8) 10 CFR 34.22(a), which requires radiography personnel to lock the sealed source in its shielded position after each exposure;
- 9) 10 CFR 34.44, which requires radiographers to watch assistant radiographers when they are performing radiographic operations;
- 10) 10 CFR 71.12(c), which requires you to submit to NRC a quality assurance program for transporting radiographic exposure devices;
- 11) License Condition 13.A which requires, in effect, that sealed sources be leak tested every six months;
- 12) 10 CFR 30.10, which prohibits licensees or employees of licensees from deliberately causing a licensee to be in violation of any rule or regulation issued by the Commission or providing false information of a material nature to the NRC or to a licensee;
- 13) 10 CFR 34.11(d)(1), which requires, in effect, that you audit radiography personnel at a frequency not to exceed three months; and
- 14) 10 CFR 20.207(a), which requires, in part, that licensed material in an unrestricted area and not in storage be tended under constant surveillance and immediate control of the licensee.

Apparent violations 1 through 12 are applicable to the inspection and investigation conducted in January 1994. Apparent violations 4 and 12 through 14 are applicable to the inspection and investigation conducted in April 1993. You should be prepared to discuss these apparent violations at the enforcement conference and, in particular, be prepared to discuss the specific circumstances surrounding the July 31, 1993 exposure incident. In addition, given the nature and number of violations, we request that you be prepared to address your efforts to assure compliance with requirements and oversee licensed activities in your role as the radiation safety officer for WIX.

We note that the decision to hold an enforcement conference does not mean that the NRC has made a final determination that these specific violations have occurred or that a particular enforcement action will be taken. The purposes of this conference are: 1) to discuss the apparent violations, the circumstances surrounding them, their causes and their safety significance; 2) to provide you the opportunity to point out any errors in the information the NRC is relying on; 3) to provide an opportunity for you to describe any corrective actions you have taken or plan on taking; and 4) to provide an opportunity for you to provide any information concerning your perspectives on the application of the NRC's enforcement policy in this case. You will be advised by separate correspondence of the results of our deliberations on this matter. No written response regarding the apparent violations is required at this time.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be placed in the NRC Public Document Room. The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96.511.

Should you have any questions concerning this letter, please contact Charles L. Cain at (817) 860-8186.

Sincerely,



L. J. Gallan  
Regional Administrator

Enclosure: NRC Enforcement Policy

cc:  
Wyoming Radiation Control Program Director

MAR 2 1994

bcc w/o enclosure:

DMB - Original (IE-07)  
 LJCallan  
 SJCollins  
 RAScarano, DRSS/RIV  
 LWCamper  
 MMessier, OC/LFDCB (4503)  
 WLFisher  
 CLCain  
 MShaffer  
 LKasner  
 NMIS  
 MIS System  
 RIV Files (2)

GSanborn  
 WBrown  
 LWilliamson, OI  
 JLieberman, OE  
 PSantiago, OE  
 GCant, OE

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| EO <i>[Signature]</i> | RC <i>[Signature]</i> | C:NMIS <i>[Signature]</i> | D:DRSS <i>[Signature]</i> | D:OE by <i>[Signature]</i> |
| GSanborn              | WBrown                | CCain                     | SJCollins                 | JLieberman                 |
| 3/1/94                | 3/2/94                | 3/2/94                    | 3/2/94                    | 3/2/94                     |

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| <del>DRA</del>         | RA <i>[Signature]</i> |  |  |  |
| <del>JMontgomery</del> | LJCallan              |  |  |  |
| <del>3/1/94</del>      | 3/2/94                |  |  |  |