

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of

Tumbleweed X-Ray Company
Greenwood, Arkansas

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Docket No. 30-28741
License No. 03-23185-01
EA 90-210

ORDER MODIFYING LICENSE
(EFFECTIVE IMMEDIATELY)

I

Tumbleweed X-Ray Company (Licensee or Tumbleweed) is the holder of Materials License No. 03-23185-01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Parts 30 and 34 on July 25, 1985 (Tumbleweed X-Ray Company previously held NRC Materials License No. 35-21425-01). The license authorizes the possession and use of sealed radioactive sources (iridium-192 and cobalt-60) in various industrial radiography devices. The license was due to expire on September 30, 1988, but remains active due to a timely renewal application having been submitted by the Licensee in August 1988.

II

Under 10 CFR 34.43, personnel performing licensed radiographic operations are required to perform a radiation survey of the camera and guide tube to determine that the sealed source has been returned to its shielded position after each exposure. Under 10 CFR 34.44, an assistant radiographer using radiographic exposure devices must be under the personal supervision of a radiographer. The personal supervision shall include watching the assistant's performance of operations.

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On November 26, 1990, the Licensee informed NRC Region IV that David Martin, an assistant radiographer employed by Tumbleweed, may have received a radiation overexposure to his right hand. The Licensee believes the overexposure is connected to an incident that occurred on November 12, 1990, during radiography being performed at a facility in Burns Flat, Oklahoma. Kevin Hill was the radiographer conducting radiographic operations with Mr. Martin that day. The Licensee's radiation safety officer, who contacted NRC in regard to this incident, stated that he learned of the incident and apparent overexposure on November 25, 1990.

Based on information the Licensee submitted to NRC Region IV on November 28, 1990, and NRC Region IV's initial inquiry into this incident on November 29, 1990, NRC believes that: (1) on November 12, 1990, a serious radiation injury occurred to the right hand of David Martin; (2) on that day, David Martin failed to perform a radiation survey after exposing the source and attempting to retract it and prior to approaching the source and guide tube; and (3) during these events Kevin Hill, the radiographer, failed to properly supervise Mr. Martin and failed to watch his performance of operations and that these violations of NRC requirements on November 12, 1990, contributed to this occurrence. Additional violations may be identified as a result of our continuing review of this incident.

In a telephone discussion with NRC Region IV on November 29, 1990, the Licensee agreed to prohibit both the radiographer and assistant radiographer involved in this incident from conducting any activities that involve the use of licensed radioactive materials without prior NRC approval.

III

The circumstances surrounding the November 12, 1990, incident reflect inadequate regard by the individuals involved for NRC requirements designed to ensure the safe use of licensed radioactive material and raise significant concerns relative to adequate protection of the public health and safety. Pending completion of a review of this incident, the NRC does not have reasonable assurance that licensed activities will be properly conducted with these individuals present. Therefore, I have determined that the public health and safety require that this Order be issued. Pursuant to 10 CFR 2.204, I have also determined that the public health and safety require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 81, 161b, 161c, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204, 10 CFR Part 30 and 10 CFR Part 34, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT LICENSE NO. 03-23185-01 IS MODIFIED AS FOLLOWS:

1. Kevin Hill, a radiographer, is prohibited from conducting any activities involving licensed radioactive materials;
2. David Martin, an assistant radiographer, is prohibited from conducting any activities involving licensed radioactive materials.

The Regional Administrator, NRC Region IV, may relax or rescind, in writing, any of the above conditions upon a showing by the Licensee of good cause.

V

The Licensee, Kevin Hill, David Martin, or any person adversely affected by this Order may submit an answer to this Order or request a hearing on this Order within twenty days of its issuance. The answer shall set forth the matters of fact and law on which the Licensee, Kevin Hill, David Martin or other person adversely affected relies and the reasons why the Order should not have been issued. Any answer filed within twenty days of the date of this Order may include a request for a hearing. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Service Section, Washington, D.C. 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011, and to the Licensee if the answer or hearing request is by a person other than the Licensee. If a person other than the Licensee or Kevin Hill or David Martin requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by the Licensee, Kevin Hill, David Martin, or any other person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

On the Licensee's, Kevin Hill's and David Martin's consent to the provisions set forth in Section IV of this Order or on the failure of the Licensee or Kevin Hill or David Martin to file an answer within the specified time and in the absence of any request for a hearing within the specified time this Order shall be final without further Order or proceeding. A REQUEST FOR A HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS CONFIRMATORY ORDER.

FOR THE NUCLEAR REGULATORY COMMISSION



Hugh L. Thompson, Jr.
Deputy Executive Director
for Nuclear Materials Safety, Safeguards
and Operations Support

Dated at Rockville, Maryland
this 4th day of December 1990

Tumbleweed X-Ray Company

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