

DCS



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

DEC 31 1990

Docket No. 30-30691  
License No. 35-26953-01  
EA 90-102

Barnett Industrial X-Ray  
ATTN: Mr. Loyd Barnett  
Post Office Box 1991  
Stillwater, Oklahoma 74076

Gentlemen:

SUBJECT: ORDER IMPOSING CIVIL MONETARY PENALTY - \$7,500

This refers to your letters dated October 2, 1990, in response to the Notice of Violation and Proposed Imposition of Civil Penalty (Notice) sent to you by our letter dated September 7, 1990. Our letter and Notice described two violations -- a failure to conduct a required radiation survey and radiation exposures to two individuals in excess of NRC limits -- which resulted in the assessment of a proposed \$7,500 civil penalty. This civil penalty was proposed in order to emphasize the utmost importance NRC attaches to radiography survey requirements and the importance of maintaining personnel radiation exposures within regulatory limits.

In your letters, you disputed NRC's assertion that two individuals received radiation exposures in excess of NRC limits, claiming that one of the exposure estimates was based on inconclusive data which, in your view, was not credible. In addition, you requested remission or mitigation of the proposed civil penalty because you felt that Barnett Industrial X-Ray (BIX) had suffered enough financially as a result of this matter.

After consideration of your responses, we have concluded for the reasons given in the Appendix attached to the enclosed Order Imposing Civil Monetary Penalty that the proposed \$7,500 civil penalty is appropriate given the circumstances and the seriousness of the radiation exposures incurred. Accordingly, we hereby serve the enclosed Order on BIX imposing a civil monetary penalty in the amount of \$7,500.

NRC's Enforcement Policy, 10 CFR Part 2, Appendix C, provides ". . . it is not the NRC's intention that the economic impact of a civil penalty be such that it puts a licensee out of business (orders, rather than civil penalties, are used when the intent is to terminate licensed activities) or adversely affects a licensee's ability to safely conduct licensed activities." Therefore, in view of your statement concerning your financial loss, we are prepared to permit you to pay this civil penalty over time. If you make arrangements to pay in installments, interest will be assessed and there may be other administrative charges. The Order provides that, if you wish to pay in installments, you are to inform the Director, Office of Enforcement, within 30 days of the date of this letter.

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

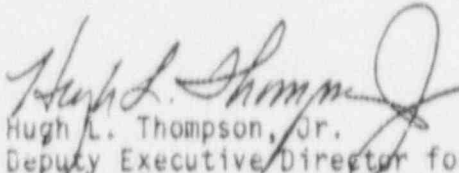
9101040018 901231  
NMSS LIC30  
35-26953-01 PDR

IE/4

We will review the effectiveness of your corrective actions during subsequent inspections.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice", a copy of this letter and the enclosures will be placed in the NRC's Public Document Room.

Sincerely,

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

Enclosure: As Stated

cc:  
Oklahoma Radiation Control Program Director