



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BOULEVARD
ARLINGTON, TEXAS 76011-4511

March 9, 2020

EA-18-124

Mr. David P. Tebo
Corporate Radiation Safety Officer
Team Industrial Services, Inc.
200 Hermann Drive
Alvin, TX 77511

SUBJECT: WITHDRAWAL OF ESCALATED ENFORCEMENT ACTION AND ORDER
IMPOSING CIVIL MONETARY PENALTY AND ISSUANCE OF SEVERITY
LEVEL IV NOTICE OF VIOLATION

Dear Mr. Tebo:

On March 8, 2019, the U.S. Nuclear Regulatory (NRC) Staff issued a Notice of Violation and Proposed Imposition of Civil Penalty to Team Industrial Services, Inc. (Team) that described a Severity Level III violation involving the deliberate movement of a radiographic exposure device prior to ensuring that the device was in the fully locked position, contrary to licensee procedures (NRC's Agencywide Documents Access and Management System (ADAMS) Accession No. ML19066A206). On September 20, 2019, the NRC Staff issued an order to Team imposing a civil monetary penalty of \$14,500 for the Severity Level III violation (ADAMS Accession No. ML19263E598).

On December 12, 2019, Team requested a hearing (ADAMS Accession No. ML19346H509) challenging the NRC Staff's conclusion that two Team personnel engaged in deliberate misconduct. On February 12, 2020, the NRC Staff and Team reached a Settlement Agreement and on February 21, 2020, the NRC's Atomic Safety and Licensing Board issued a Memorandum and Order approving the settlement and terminating the proceeding (ADAMS Accession No. ML20052D256). As approved by the Memorandum and Order, the Settlement Agreement documents a number of commitments by Team. In return for these commitments, the NRC Staff committed to withdraw the current Severity Level III Notice of Violation and the Civil Penalty and reissue the violation as not greater than Severity Level IV. Accordingly, the NRC staff is withdrawing the Severity Level III Notice of Violation documented in our March 8, 2019, letter and the September 20, 2019, order imposing a civil monetary penalty and is reissuing the violation at Severity Level IV as documented in the Enclosure.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; (3) the corrective actions that will be taken; and (4) the date when full compliance was achieved is already adequately addressed on the docket in your letter dated February 6, 2019 (ADAMS Accession No. ML19043A672) and in the February 21, 2020, Atomic Safety and Licensing Board's Memorandum and Order. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that

case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice of Violation.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's ADAMS, accessible from the website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction.

If you have any questions concerning this matter, please contact Mr. Jeremy Groom of my staff at 817-200-1182.

Sincerely,

/RA Mark Shaffer for/

Scott A. Morris
Regional Administrator

Docket No. 030-35252
License No. 42-32219-01

Enclosure: Notice of Violation

cc (w/Enclosure):
C. Sullivan
Texas Agreement State Director

WITHDRAWAL OF ESCALATED ENFORCEMENT ACTION AND ORDER IMPOSING CIVIL MONETARY PENALTY AND ISSUANCE OF SEVERITY LEVEL IV NOTICE OF VIOLATION DATED – MARCH 09, 2020

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ADAMS ACCESSION NUMBER: **ML20069J779**

SUNSI Review: ADAMS: Non-Publicly Available Non-Sensitive Keyword:
 By: JGK Yes No Publicly Available Sensitive

OFFICE	SES:ACES	C:MIB	TL:ACES	RC	DD:DNMS	NMSS
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SIGNATURE	/RA/	/RA/	/RA/	/RA/	/RA/	/RA/ MLB for
DATE	02/26/20	02/28/20	02/27/20	02/27/20	02/28/20	03/04/20
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NOTICE OF VIOLATION

Team Industrial Services, Inc.
Alvin, Texas

Docket No.: 030-35252
License No.: 42-32219-01
EA-18-124

During an NRC investigation conducted from October 12, 2017, to August 27, 2018, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

License Condition 25.A of NRC Materials License 42-32219-01 Amendment 54, requires, in part, that the licensee conduct its program in accordance with its application dated March 20, 2015. A procedure identified as part of its Radiation Protection Program Manual and included in the application package, Operating Procedure 30.J.2 "Operating & Emergency Procedure," Revision 14, Section 14, "Operating Procedures for Radiographic and X-ray Equipment," Step 14.4.3.e.1, requires, in part, that if the radiographic exposure device is to be relocated for subsequent exposures, the device shall be placed in the fully locked position if there is movement to another physical location.

Contrary to the above, on August 29, 2017, the licensee moved a radiographic exposure device for subsequent exposures to another physical location and failed to ensure that the device was placed in the fully locked position. Specifically, the radiographers carried a radiographic exposure device in an unlocked position onboard the USS Harpers Ferry from the location of their truck at the pier.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.3.d.3).

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; (3) the corrective actions that will be taken; and (4) the date when full compliance was achieved is already adequately addressed on the docket in your letter dated February 6, 2019 (ADAMS Accession No. ML19043A672) and in the February 21, 2020, Atomic Safety and Licensing Board's Memorandum and Order (ADAMS Accession No. ML20052D256).

However, if the description therein does not accurately reflect your position or your corrective actions, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 within 30 days of the date of the letter transmitting this Notice of Violation (Notice). In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation; EA-18-124," and send it to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 with a copy to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, and the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's ADAMS, accessible from the website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction.

Enclosure

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 9th day of March 2020