

APPENDIX B

U.S. NUCLEAR REGULATORY COMMISSION
REGION V

MANAGEMENT MEETING
WITH
B & B X-RAY

Report No. 90-008

Docket No. 15000004

Licensee: B & B X-Ray and Inspection
2015 Westwind Drive, No. 10
Bakersfield, CA 93301

Location of Meeting: Licensee's Office, Bakersfield, CA

Conference Conducted: 1:00 PM, April 19, 1990

Participant:

H. Dean Chaney
H. Dean Chaney, Acting Chief
Nuclear Materials Safety Section

5/18/90
Date

Approved by:

Robert J. Pate
R. J. Pate, Chief
Nuclear Materials Safety and
Safeguards Programs

5/18/90
Date

Summary:

Management Meeting on April 19, 1990, (Report 90-008)

The following matters were discussed:

1. The apparent violations discussed in NRC Inspection Report 90-001.
2. The licensee's acknowledgement and/or exception of the apparent violations.
3. The licensee's corrective actions to the apparent violations addressed in NRC Inspection Report 90-001
4. The results of a State of California inspection conducted on March 7, 1990. No violations of license and State of California regulations were identified.

This meeting involved a total of one and half hours on site by two NRC representatives.

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DETAILS

1. Management Meeting Participants

- I. Bertrand, President and Radiation Safety Officer B & B X-Ray and Inspection
- J. Aal, Assistant Radiation Safety Officer
- H. Chaney, Acting Chief, Nuclear Materials Safety Section
- R. Pate, Chief, Nuclear Materials Safety and Safeguards Branch

2. Management Meeting

On April 19, 1990, a management meeting was held at the offices of B & B X-Ray and Inspection in Bakersfield, California with the individuals listed above. The meeting was related to the special inspection of the licensee's activities conducted at Vandenberg Air Force Base, California on February 2, 1990 and at the licensee's offices in Bakersfield, California on February 12, 1990, under a general NRC license granted per 10 CFR 150.20. The management meeting was announced in a letter to the licensee dated March 26, 1990. A copy of that letter is attached.

NRC Inspection Report No. 90-001, which was sent to the licensee on March 5, 1990, had been received by the licensee.

Mr. H. Chaney, NRC, stated that the purpose of this management meeting was to discuss with the licensee the NRC's concern over the number of apparent violations identified during the special inspection conducted of B&B's activities while working at Vandenberg AFB, CA. Mr. Chaney emphasized that even though the majority of the violations were administrative in nature the NRC is very concerned over two of the violations in appendix A involving improper conduct of radiography operations (surveys and securing the source).

Mr. Chaney asked the licensee (I. Bertrand) if there were any exceptions being taken to the content/findings of the NRC Inspection Report. Mr. Bertrand stated that they (B&B) took exception to the following apparent violations:

- a) Violation of 10 CFR 30.51(a), failure to maintain records of transfers/receipts of licensed materials (item E).

Reason:

At the time of the NRC inspector's visit to the Bakersfield, CA office the required records were in the office but not filed properly. The licensee provided copies of the required documents.

- b) Violation of 10 CFR 19.11, posting of NRC Form 3 (item G).

Reason:

The licensee felt that the State of California form RH 2364 would satisfy the requirements since the California Administrative Code Title 17 Section 30280(3) requires the posting of a document comparable to the NRC Form 3, which the licensee had done.

Mr. Bertrand was told that his position and supporting documentation would be examined and a resolution of the two items would be contained in the report of this meeting.

Mr. Bertrand presented to the NRC a comprehensive documentation (dated April 17, 1990) of his investigation into the violations and corrective actions taken by him to prevent recurrence of the violations. A copy of Mr. Bertrand's corrective actions is attached. Mr. Bertrand also provided Messrs. Chaney and Pate (NRC) a revised copy of B&B's operating manual (Quality Assurance Manual) and a proposed quality assurance program for Type B packages (currently under NRC review)

Messrs. Chaney and Pate discussed each apparent violation with Messrs. Bertrand and J. Aal. Mr. Bertrand elaborated on his investigation and corrective action for each apparent violation, which primarily consisted of terminating his business partnership with the Company's Vice President (the radiographer conducting activities at Vandenberg AFB during the inspection), updating the operations manual, procuring NRC Certificate of Compliance documents for each radiographic camera, labeling materials packages, and re-instructing employees on NRC and State requirements associated with the noted violations. Mr. Bertrand was very adamant that in no way does he condone the work practices of his former partner as observed by the NRC inspector during the Vandenberg AFB inspections. Mr. Bertrand's regulatory posture has been conveyed to his employees via documented training sessions.

Mr. Pate provided and reviewed with Mr. Bertrand the NRC's enforcement policy. Mr. Chaney toured the B&B facility and observed equipment storage and posting.

3. Licensee Actions on NRC Identified Violations

The licensee had provided a written response, dated April 17, 1990, to all of the apparent violations cited in NRC Inspection Report No. 90-001. These apparent violations are referenced in the results section of the Report and will not be restated in their entirety here. Appendix A, contains NRC identified violations (from the 90-001 inspection report) of Severity Level IV that do not meet the enforcement flexibility criteria of the NRC Enforcement Policy. However, certain NRC identified violations referenced in the NRC Inspection Report are being categorized as noncited violations (NCVs) in accordance with the guidance contained in Section V.A. of the Enforcement Policy (Appendix C to 10 CFR 2) and NRC Office of Enforcement guidance contained in memorandum EGM 89-04, dated April 4, 1989. These NCVs and the licensee's corrective actions are discussed below using the identifier reference in the results section of the NRC Inspection Report:

- C. Failure to retain records of storage surveys for radiography equipment, 10 CFR 34.43(d). The licensee had since the violation reinstructed all radiographers in the applicable regulations and proper methods to use in complying with the regulations. This item is closed.
- D. Failure to record pocket dosimeter readings, 10 CFR 34.33(b). The licensee had since the violation reinstructed all radiographers in the applicable regulations and proper methods of use in complying with the regulations. This item is closed.
- E. Failure to keep records of licensed material transfers, 10 CFR 30.51(a). The licensee contested this apparent violation and provided sufficient information and records to warrant deletion of the apparent violation from further consideration.
- F. Failure to post a potential access to a high radiation area, 10 CFR 20.203(c)(1). The licensee had reinstructed all radiographers in the applicable regulations and proper methods to use in complying with the regulations. Disciplinary action was taken against the responsible radiographer. This item is closed.
- G. Failure to post Form NRC-3, "Notice to Employee's," 10 CFR 19.11(c). The licensee took exception to this as noted above (paragraph 2.a) due to their having posted the equivalent Agreement State notification at the work site. The licensee had, since the inspection, provided for the posting of the required Form NRC-3 when working at facilities under NRC jurisdiction. This item is closed.

4. Conclusions

The licensee's response to the management meeting was acceptable. The licensee does not expect its employees to violate any license or governing agency requirement. The licensee took on its own initiative to discontinue working at Vandenberg AFB once the notification of the apparent violations was brought to the Company's attention. Commitments were made by the licensee for stronger oversight of licensed activities. The meeting was adjourned at 2:20 p.m.