

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Penn Inspection Company  
Chickasha, Oklahoma 73018

Docket: 30-19836  
License: 35-21144-01  
EA: 88-189

During an NRC inspection conducted on May 31, 1988, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1988), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended; 42 U.S.C. 2282; and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

- A. 10 CFR 34.33(a) requires, in part, that the licensee not permit any individual to act as a radiographer unless at all times during radiographic operations each such individual wears a direct reading pocket dosimeter and either a film badge or a thermoluminescent dosimeter.

Contrary to the above, on May 12, 1988, an individual acted as a radiographer for the licensee and did not wear a direct reading pocket dosimeter and either a film badge or a thermoluminescent dosimeter while conducting radiographic operations at a fabricating company in Arkla, Oklahoma.

- B. License Condition 16 states, in part, that the licensee shall possess and use licensed material in accordance with statements, representations, and procedures contained in application dated August 3, 1982, as amended September 2, 1982.

1. Section XII.A. of the Operating and Emergency Procedures contained in the application states, in part, that each radiography crew working in the field shall have access to the Operating and Emergency Procedures (i.e., will be carried on each job site).

Contrary to the above, on May 12, 1988, a radiographer conducted radiographic operations at a job site in Arkla, Oklahoma and later told the NRC inspector that he did not have access to the Operating and Emergency Procedures. Although the procedures may have been in the radiographer's vehicle, the radiographer stated he had no knowledge of that.

2. Section XIII of the Operating and Emergency Procedures contained in the application states, in part, that it is the responsibility of each radiographer to become thoroughly familiar with these procedures and to follow them explicitly when emergency situations arise including immediately contacting the Radiation Safety Officer. Section XIII.B. states that if there is any question as to whether a given situation constitutes an emergency, then emergency procedures are to be followed.

Contrary to the above, on May 12, 1988, during an event in which the radiography source would not retract into the radiography camera, a malfunction which was clearly an emergency situation in accordance with Section XIII.C. of the Operating and Emergency Procedures, a radiographer attempted resolution by unsafe and unconventional tactics and did not follow the above referenced procedures, which, among other requirements, required him to immediately contact the Radiation Safety Officer.

3. Section IX.D.9 of the Operating and Emergency Procedures contained in the application requires that the source transfer tube be straightened as a step for making an initial exposure with the crank-out device. (This procedure minimizes the potential for source hang-up in the source transfer tube.)

Contrary to the above, on May 12, 1988, a radiographer made an initial exposure with the crank-out device while the source transfer tube had an almost 90° bend approximately 6 to 8 inches from the exposure device. As a result, when the radiographer attempted to retract the source into the camera, the source became stuck in the source transfer tube.

- C. 10 CFR 34.11(d)(2) requires that an applicant have an inspection program that requires, in part, that if a radiographer has not participated in a radiographic operation for more than 3 months since the last inspection, that individual's performance must be observed and recorded the next time the individual participates in a radiographic operation.

Contrary to the above, on May 12, 1988, the licensee failed to perform an inspection to observe and record the actions of a radiographer involved in performing radiographic operations, as required by the licensee's inspection program. The radiographer had not performed radiographic operations for the licensee since October 1987.

Collectively the above violations have been categorized in the aggregate as a Severity Level III problem. (Supplement VI)

Cumulative Civil Penalty - \$2,500.00 (assessed equally among the violations).

Pursuant to the provisions of 10 CFR 2.201, Penn Inspection Company is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Notice of Violation

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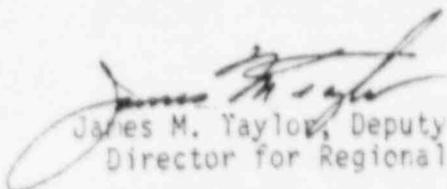
Within the same time as provided for the response required above under 10 CFR 2.201, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, or money order payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or may protest imposition of the civil penalty in whole or in part by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the five factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1988), should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

The responses to the Director, Office of Enforcement, noted above (Reply to a Notice of Violation, letter with payment of civil penalty, and answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011.

FOR THE NUCLEAR REGULATORY COMMISSION

  
James M. Yaylor, Deputy Executive  
Director for Regional Operations

Dated at Rockville, Maryland  
this 6<sup>th</sup> day of October 1988.