

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the matter of

UNITED STATES TESTING COMPANY, INC.
UNITECH SERVICES GROUP
2506 Davis Street
San Leandro, California 94577

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{ Docket No. 030-20402
{ License No. 04-23240-01
{ EA 87-52

ORDER MODIFYING LICENSE
(EFFECTIVE IMMEDIATELY)

I

United States Testing Company, Inc., Unitech Services Group, (licensee) is the holder of a byproduct materials license issued by the Nuclear Regulatory Commission (the Commission or NRC) pursuant to 10 CFR Part 30. License No. 04-23240-01 was issued on February 13, 1986, was most recently amended on May 1, 1987 and expires on February 28, 1991. The license authorizes the licensee to use cobalt-60 and iridium-192 industrial radiographic sources that possess activities up to 200 curies per source for radiography at temporary job sites in the United States.

II

U. S. Testing Company, Inc. employs 200-300 radiographers, assistant radiographers, and helper/trainees and, between January 1985 and February 1987 has conducted radiographic operations at 11 locations under NRC jurisdiction and 35 locations under Agreement State jurisdiction. On February 10, 1987, the NRC was briefed by Arizona officials on an overexposure incident and associated causes that occurred at a radiography jobsite in Page, Arizona on February 6, 1987. It was determined that an associated cause of the incident was a failure in the implementation of procedures established to assure that only personnel appropriately trained in radiation safety are assigned to radiographic duties.

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These same procedures are a part of the radiation safety program incorporated into the license issued to U. S. Testing for jobsites under NRC jurisdiction.

The NRC initiated an inspection on February 10, 1987 at the licensee's San Leandro, California office and on February 12, 1987 at the Hoboken, New Jersey office. These initial inspections, which concerned licensed activities conducted since January 1, 1985, revealed that there were significant deficiencies in the licensee's record keeping program as it related to the training and certification of radiographers and radiographer assistants. Consequently, NRC conducted an intensive review of the licensee's records related to several important radiation safety program elements and participated in numerous interviews of licensee personnel throughout the United States, the details of which are included in Inspection Report No. 030-20402/87-01. This data was further supplemented by similar data collected by inspectors in Agreement States.

The inspection effort revealed that more than 50% of the individuals noted on the source utilization logs as radiographers and assistant radiographers at NRC sites were not properly certified before using radiographic exposure devices. Certification problems included: (1) allowing individuals to perform radiography after their failing one or more certification examinations, (2) allowing individuals to perform radiography before all training and examinations were completed, and (3) allowing individuals with expired certifications to perform radiography. In addition to these identified training/certification problems, the inspection findings demonstrated that the licensee's records of training/certification were often incomplete and, in numerous instances, were missing. Notably, the

licensee, after much effort, was unable to produce any such records for nineteen individuals who were identified to have been involved in radiographic operations. In addition, field audits of twenty-six radiographers were not performed, contrary to a quarterly frequency requirement.

The training/certification area was not the only area where problems were found. Three unreported exposures in excess of regulatory limits were identified. Associated with these findings were repeated failures to perform adequate evaluations of the causes and personnel dose evaluations related to the exposure incidents. In addition, there were numerous instances (several hundred) where the licensee failed to accurately or completely record on required utilization logs such information as: (1) the identification of individuals conducting radiographic operations, (2) pocket dosimeter data, (3) survey data, and (4) the type of radiography unit being used. Such information is extremely important because it often is the only record available to assure company management that field operations are being conducted in a manner consistent with established safety practices and NRC requirements. In addition, the utilization logs allow reconstruction of the facts surrounding a radiation incident, if such were to occur.

Numerous other radiation safety violations which were identified included failures to: (1) conduct adequate radiation surveys to establish boundaries of restricted areas for radiographic operations, (2) track personnel exposure histories, (3) maintain required surveillance over high radiation areas during the conduct of radiographic operations, (4) conduct required maintenance and equipment inspections, (5) control inoperable survey instruments, and (6) comply with

procedural requirements during the transfer of a source.

III

In response to its preliminary findings made early in the inspection effort, Region V issued a Confirmatory Action Letter (CAL) to the licensee on February 13, 1987. The issuance of the CAL was based on findings which demonstrated significant deficiencies in the licensee's training/certification program and required the licensee to have a company official personally certify in writing to the NRC that named radiographers had received appropriate training under 10 CFR Part 34. Although the inspections have confirmed that the licensee's training/certification program was clearly unsatisfactory in the past, subsequent evaluations by the NRC have shown that the licensee appears to be complying with the CAL. However, the findings in this area indicated, prior to issuance of the CAL, a significant lack of management oversight and control which contributed to licensee personnel not fully appreciating the radiation safety hazards associated with their specific radiographic duties.

In addition, the NRC inspection effort uncovered numerous other violations associated with the licensee's radiation safety program. This is particularly significant because the licensee had submitted a revised radiation safety program as part of its application for the license issued on February 13, 1986 which provided for centralized management control of the radiation safety program. The inspection findings clearly demonstrate that the licensee significantly failed in the implementation of this program. These findings are consistent with the findings of the licensee's consultant, Clifford and Associates,

which concluded that "there was a severe breakdown of the radiation safety program during the 2nd half of 1986." Furthermore, in addition to the breakdown in management oversight and control of the radiation safety program, the identified radiation safety violations demonstrate either an indifference to radiation safety or a lack of appreciation of the radiation hazards associated with radiographic operations performed by licensee personnel, which at the very least threatens the safety of personnel conducting radiographic operations.

Two Notices of Violation and Proposed Imposition of Civil Penalty have been issued in the past, the most recent having been issued on April 12, 1984. Both enforcement actions involved radiation safety violations. It is clear from such a history, and what has been developed by the ongoing inspection effort, that licensee management has failed to effectively control its radiation safety program.

In view of this information, it is apparent that the licensee has not taken adequate actions to conduct its licensed activities in compliance with Commission requirements. Specifically, the centralized management concept applied to the implementation of the radiation safety program has not been adequate to control the dispersed and numerous activities of the licensee. Without significant improvement in the management control of the radiation safety program, the NRC lacks reasonable assurance that the licensee's current operations will comply with the Commission's requirements such that the health and safety of the public, including licensee employees, will be protected. Therefore, the public health, safety and interest requires immediate action to improve the control of licensed activities as a condition of future operation. Accordingly, the NRC concludes

that continuation of licensed activities as currently performed by Uni Testing Company, Inc. would constitute an unreasonable risk to public safety. For these reasons and pursuant to 10 CFR 2.201(c), no prior n required.

IV

Accordingly, pursuant to section 81, 161b, c, f, and o, 182 and 186 of Atomic Energy Act of 1954, as amended, and the Commission's regulation 10 CFR 2.204, and 10 CFR Part 30, IT IS HEREBY ORDERED, EFFECTIVELY IM THAT LICENSE 04-23240-01 IS MODIFIED AS FOLLOWS:

- A. Radiographic operations may be conducted at any individual jobsite the date of this Order only if a Radiation Safety Officer (RSO) has appointed for (1) the jobsite or (2) if a temporary jobsite, a RSO for the centralized facility controlling the licensed activities at the temporary jobsite. Prior to any operation after the date of this Order, the Regional Administrator, Region V, shall receive written certification under oath or affirmation from the President of the licensee's Uni Services Group that an RSO is assigned onsite, and that the requirements Section IV C, D, and E (as described below) of this Order have been met. The name, qualifications, and site location of the assigned RSO shall be included in the NRC notification.

- B. All licensed sources shall be placed in their shielded position and maintained in storage in accordance with the requirements of 10 CFR Part 20 until the RSO for the jobsite, or centralized facility has been appointed. In addition, if an RSO has not been appointed, the licensee may not utilize the general license for an agreement state licensee under 10 CFR Part 150 to allow operation at a site under NRC jurisdiction.
- C. Each RSO shall:
- (1) Meet all requirements as specified in paragraph 3.3.5 of Section VIII of the Radiation Safety Program Manual without the "equivalent experience and education" option set forth in Section 3.3.5(b).
 - (2) Receive at least 16 hours additional training from the Corporate Radiation Safety Director (RSD) specifically related to applicable NRC requirements and implementation of the Radiation Safety Program Manual.
 - (3) Be certified by the RSD and the President of the licensee, in writing, as having attained sufficient knowledge and management capability to administer and control the radiation safety program at the assigned site and that the requirements of paragraphs (1) and (2) have been met.

- D. The license and all documentation required by NRC regulations and the licensee's Radiation Safety Program Manual shall be maintained by the site RSO with copies sent to the RSD.
- E. The RSO shall have authority for and be responsible to the licensee to administer the onsite radiation safety program under direct supervision of the RSD. The RSO shall have the authority and be directed in writing by the President to suspend any activity which is not in compliance with the NRC regulations or the license and maintain such suspensions until all corrective action is complete. The RSD shall maintain records of all such suspensions.
- F. The Corporate Radiation Safety Director shall continue to have overall responsibility for assuring the implementation of the radiation safety program at all licensed job sites. This responsibility shall include, but not be limited to:
- (1) A review of all required records as received and prior to filing.
 - (2) A quarterly onsite audit, at each site, of the radiation safety program implementation.
 - (3) Submittal of a quarterly radiation safety program status report to the President and Regional Administrator, Region V, that specifically identifies deficiencies and corrective actions.

- (4) The Corporate Radiation Safety Director shall notify Region V prior to initiating radiographic operations at a site which NRC has not been previously informed of radiographic operations pursuant to this condition.
- G. As a condition for continuing licensed activities, assuming activities have been restarted under the above conditions, the licensee shall obtain the services of one or more independent consultant(s) to perform, an assessment of the licensee to include at a minimum, the actions indicated below. The consultant(s) shall have in-depth knowledge of radiation protection theory and good practice, management of radiation protection programs and radiation protection programmatic quality assurance obtained through a combination of academic training and practical experience of its staff assigned to the task. Within 30 days of the date of this Order, the licensee shall submit to the Regional Administrator, Region V, for approval, the name(s) of the proposed organization(s), the qualifications of the individuals who will perform the assessment, statements from these individuals and organization(s) regarding the extent to which they have been previously employed by the licensee and a description of the plan to accomplish the actions set forth below. The consultant(s) shall complete the assessment within 120 days of NRC approval. The consultant(s) shall prepare a Radiation Safety Program Evaluation Report (RSPER) that assesses:
- (1) The qualifications, training and commitment of U. S. Testing Company, Inc. employees to perform assigned radiation protection functions at all jobsites under NRC jurisdiction including San Leandro, California and Hoboken, New Jersey.

- (2) Appropriateness of all U. S. Testing Company, Inc. employee radiation protection assignments; i.e., the proper match of persons and responsibilities. This assessment shall include but not necessarily be limited to the President, Vice President, Executive Safety Committee Members, Radiation Safety Director, Radiation Safety Officers, Project Managers, Supervisors and Monitors.
- (3) Adequacy of the number of U. S. Testing Company, Inc. staff assigned to perform radiation safety management and supervision activities under NRC jurisdiction.
- (4) Implementation of the U. S. Testing Company, Inc. Radiation Safety Program Manual related to assigned radiation protection functions at all jobsites under NRC jurisdiction. This assessment shall include at a minimum an on-site audit at each jobsite.
- (5) Adequacy of all U. S. Testing Company, Inc. records necessary to demonstrate that the radiation protection program is conducted as required by the license referenced Radiation Safety Program Manual and NRC regulations.
- (6) Implementation of the U. S. Testing Company, Inc. radiation protection quality assurance program by which management at corporate, regional and jobsite levels assures itself, through an independent system of checks and balances, that the radiation protection program is adequate and being conducted as assigned.

- (7) Appropriateness of the management structure and organization of the licensee to control licensed activities to assure compliance with all Commission requirements at dispersed locations throughout NRC jurisdictions.

Based on its findings in Items (1) through (7) above, the consultant shall, in its report, identify programmatic weaknesses which might result in further violations of NRC requirements and provide recommendations for improvements necessary to assure compliance with NRC requirements. The licensee shall direct the consultant(s) to submit to the Regional Administrator, Region V, a copy of any report and any drafts thereof at the same time they are sent to the licensee or any of its employees.

Within 30 days after receipt of the consultant(s) report, U. S. Testing Company, Inc. shall submit a written response to the conclusions of the report to the Regional Administrator, NRC Region V, and to the Deputy Executive Director for Regional Operations. U. S. Testing Company, Inc. shall describe how it will incorporate and implement recommendations of the consultant's together with a schedule for implementation. If recommendations are not adopted, U. S. Testing Company, Inc. shall include in its report justification for any recommendation not accepted.

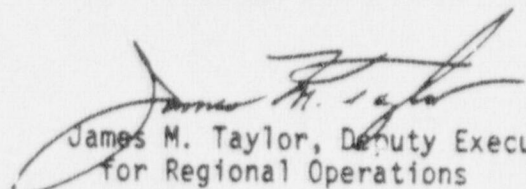
- H. The Regional Administrator, Region V, may relax or terminate any conditions for good cause shown.

V

The licensee or any other person adversely affected by this Order may request a hearing within 20 days of its issuance. Any answer to this Order or request for hearing shall be submitted to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies shall also be sent to the Assistant General Counsel for Enforcement, Office of General Counsel at the same address and to the Regional Administrator, NRC Region V, 1450 Maria Lane, Suite 210 Walnut Creek, California 94596. If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which the petitioner's interest is adversely affected by this Order and should address the criteria set forth in 10 CFR 2.714(d). Upon the failure of the licensee to answer or request a hearing within the specified time, this Order shall be final without further proceedings. AN ANSWER TO THIS ORDER OR A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

If a hearing is requested by the licensee, 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.

FOR THE NUCLEAR REGULATORY COMMISSION


James M. Taylor, Deputy Executive Director
for Regional Operations

Dated at Bethesda, Maryland
this 17 day of June 1987

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bcc w/enclosure:
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 PDR
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 NRC Regions I, II, III, IV
 GCook, RV
 BFaulkenberry, RV
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 Docket File
 RThomas, RV
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 Al Johnson, RV
 RScarano, RV

OE <i>ppr</i>	NMSS <i>ppr</i>	OI <i>ppr</i>	RV <i>ppr</i>	OGC <i>ppr</i>	OE: D	DEDRO
PRobinson	RCunningham	BHayes	JMartin	JGoldberg	JLieberman	JTaylor
6/16/87	6/16/87	6/16/87	6/16/87	6/16/87	6/16/87	6/17/87

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