

FEB 23 1989

In Reply Refer To:
License: 35-17178-01
Docket: 30-12319/88-01

Tulsa Gamma Ray, Inc.
ATTN: Mr. James C. Moss
1127 South Lewis Avenue
Tulsa, Oklahoma 74104

Gentlemen:

Thank you for your letter of January 9, 1989, in response to our letter and attached Notice of Violation both dated January 10, 1989.

Your reply of January 9, 1989, had deficiencies in some of your explanations of the violations. These deficiencies are the lack of specific responses for Items (1), (2), (3), and (4) as required by the last paragraph on Page 3 of the Notice of Violation. The listing below specifies which violations need further responses from you.

Violation 3(a) - (3), (4)
Violation 3(b) - (3), (4)
Violation 3(c) - (3)
Violation 3(d) - (3)
Violation 4 - (3)

Your reply to Violation 4, of the Notice of Violation, states in part, that a Quality Assurance Program has been established. Please note, 10 CFR 71.101(c) states that the licensee needs to obtain Commission approval of its quality assurance program by submitting it for review to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. If you have not done this please do so, and if you have already done this in the past, please supply us with a copy of the quality assurance program approval certificate which contains your quality assurance approval number.

In our letter of January 10, 1989, we stated our concern about your program in the area of management control, particularly as it applied to the area of transportation. You have failed to address our concern in your reply. In your response to this letter, please describe those specific actions planned or taken to improve your management control over your licensed operations.

RIV:NMIS *ADL*
ADGaines:ch
2/22/89

NMIS *LLK*
LLKasner
2/22/89

C:NMIS *alp*
DAPowers
2/23/89

C:NMSB *alp*
WLFisher *for*
2/23/89

8903020257 890223
REG4 LIC30
35-17178-01 PDC

11
IE-07

Tulsa Gamma Ray, Inc.

-2-

Please provide the above additional information to this office within 20 days of the date of this letter. Should you have any questions concerning this letter, please call me at (817) 860-8100.

Sincerely,

Original Signed By

D. A. POWERS

William L. Fisher, Chief
Nuclear Materials Safety Branch

cc:

Oklahoma Radiation Control Program Director

bcc w/copy of licensee letter:

DMB - Original (IE-07)

RD Martin

RL Bangart

RE Hall

WL Fisher

LShea, RM/ALF (AR-2015)

CL Cain

DA Powers

AD Gaines

LL Kasner

NMSB

MIS System

RIV Files (2)

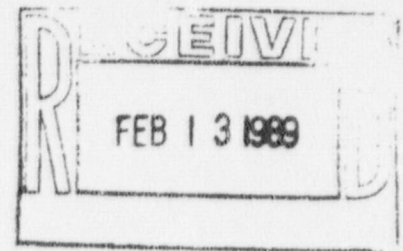
RSTS Operator



JAMES C. MOSS
PRESIDENT

TULSA GAMMA RAY, INC.

1127 SOUTH LEWIS
TULSA, OKLAHOMA 74104
585-3228



January 9, 1989

Mr. William L. Fisher
NUCLEAR MATERIALS SAFETY BRANCH
US Nuclear Regulatory Commission Region IV
611 Ryan Plaza Drive Suite 1000
Arlington, Texas 76011

Dear Mr. Fisher

Docket: 30-12319/88-01
License: 35-17178-01

Reference your letter dated January 10, 1989 regarding an unannounced radiation safety inspection conducted by Mr. A. D. Gaines and Ms. L. L. Kasner the following corrective action and comments are respectfully submitted:

- Par. 1. A new procedure was established on 24 January 1989 to assure that the oversight noted will not be repeated. The new procedure includes a form for recording due dates for leak test, date leak was performed and if applicable date source was returned to the manufacturer.
- Par. 2. New procedures were implemented on 20 January 1989 to require each new radiographer or rehire radiographer to accomplish the following:
- a. Prior to being permitted to function as a radiographer he must successfully complete Tulsa Gamma Ray's Radiation Safety testing program.
 - b. Successfully complete Tulsa Gamma Ray's practical examination.
 - c. Successfully complete Tulsa Gamma Ray's Radiation Safety No Notice Inspection Report. (copy enclosed)
The addition of item c. above should preclude a repeat of the above violation.
- Par. 3.a. All transport container have been placarded with the Radioactive Yellow II or III labels. The appropriate curie strength will be recorded on the label.
- Par. 3.b. All mobile darkrooms used to transport the Tech Ops 683 Type B exposure devices have been equipped with the protective overpack container as described in NRC Form 618 Certificate of Compliance number 9053. Radiographers have been briefed on the proper procedures to prepare the exposure device for travel to and from a job site.

IC-89-063

8902210561

5
app.

IEO7

Par. 3.c. On January 25, 1989 a Radiation Safety Meeting was held to critique the referenced unannounced inspection. At this meeting radiographers were briefed and a demonstration performed on the proper survey required.

Par. 3.d. New procedures were implemented on 19 January 1989 requiring the following:

- (1). The required shipping documents mounted on a clip board have been prepared for each exposure device.
- (2). Radiographers have been briefed on the required entries to these shipping documents.
- (3). The clip board containing the Leak Test Date/Decay Chart and Shipping Documents will be carried inside the cab of the truck.

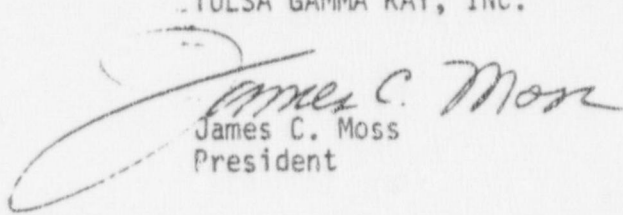
- Par. 4.(1) A Quality Assurance Program has been established.
- (2) A current copy of the Certificate of Compliance has been received.
 - (3) Under separate cover a letter to you (William L. Fisher, Nuclear Safety Branch) dated 8 February 1989 requesting Tulsa Gamma Ray, Inc. be listed as a User of Tech Ops Overpack Container Number UN2974 to comply with NRC USA 9053/B/Type B.

I feel the corrective action as above indicated in concert with a more dedicated effort for compliance will prevent reoccurrence of the violations listed.

Thank you for your consideration.

Sincerely yours,

TULSA GAMMA RAY, INC.



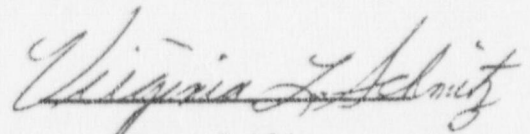
James C. Moss
President

State of Oklahoma

County of Tulsa

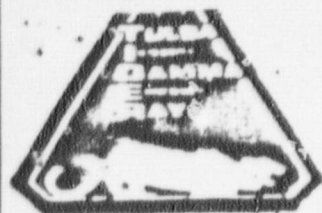
Subscribed and sworn to before me this 8th day of February 1989 personally came James C. Moss President of Tulsa Gamma Ray, Inc.

My Commission expires 3/12/92.



Notary Public

Enc: checklist



TULSA GAMMA RAY, INC.

1127 SOUTH LEWIS
TULSA, OKLAHOMA 74104
918 / 685 3228

DATE _____

RADIATION SAFETY NO NOTICE INSPECTION REPORT AND RADIOGRAPHER CHECK LIST

RADIOGRAPHER _____ DOSIMETER _____ FILM BADGE _____

ASST. RADIOGRAPHER _____ DOSIMETER _____ FILM BADGE _____

PROJECTOR # _____ ISOTOPE _____ CURIES _____

SURVEY METER MODEL _____ S/N _____

1. Receipt of Radioactive Source Properly Signed Out _____
2. Survey Meter Checked for Operation _____
3. Outside Surface of Truck & Cab Area Properly Checked _____
4. Is Truck Properly Placard and Shipping Documents in Place in Accordance With DOT Regulations _____
5. NRC Form 3, License & Emergency Procedures in Possession _____
6. Dosimeter Recharged and Recorded on "Radiation Report Form" _____
7. TGR Radiation Report Properly Initiated _____
8. TGR Source Daily Check List Required Check Before Exposure Properly Made and Recorded _____

RADIATION AREA

1. Radiation Area Defined and Posted With "Radiation Area" Signs & Barricades _____
2. High Radiation Area Defined and Posted with "High Radiation Area" Signs _____
3. Exposure Device Properly Positioned (No Sharp Bends In Drive Cables or Source Guide Tubes) _____
4. Did Radiographer Utilize All Protective Shielding Available and Optimum Distance _____
5. Was Proper Survey Made During & After Exposure (Projector, Snout End & Projector) _____
6. Was A Survey of Radiation Area Perimeter Made _____
7. Was Area Under Constant Surveillance _____

SECURING PROCEDURES

1. Were Securing Procedures Properly Performed and Recorded on TGR "Source Daily Check List" Form _____
2. Were Dosimeter Readings & Radiation Area Monitoring Properly Made and Recorded on TGR "Radiation Report" Form _____

Inspection Was Made By: _____

CRITIQUE

1. A Critique of All Discrepancies Noted Was Held On _____
2. Critique Held By _____ Position _____

RADIOGRAPHER COMPLIANCE _____

RADIOGRAPHER'S SIGNATURE _____

ASSISTANT RADIOGRAPHER'S SIGNATURE _____

JAN 10 1989

Docket: 30-12319/88-01
License: 35-17178-01

Tulsa Gamma Ray, Inc.
ATTN: Mr. James C. Moss
1127 South Lewis Avenue
Tulsa, Oklahoma 74104

Gentlemen:

This refers to the routine, unannounced radiation safety inspection conducted by Mr. A. D. Gaines and Ms. L. L. Kasner of this office on November 29 and 30, 1988, of the activities authorized by NRC Byproduct Material License 35-17178-01 and to the discussion of our findings held by the inspectors with Mr. Jack Morris of your staff at the conclusion of the inspection.

The inspection was an examination of the activities conducted under the license as they relate to radiation safety and to compliance with the Commission's rules and regulations, and the conditions of the license. The inspection consisted of selective examinations of procedures and representative records, interviews of personnel, independent measurements, and observations by the NRC inspectors of licensee personnel conducting radiography at a field site.

During this inspection certain of your activities were found not to be conducted in full compliance with NRC requirements. Consequently, you are required to respond to this matter, in writing, in accordance with the provisions of Section 2.201 of the NRC "Rules of Practice," Part 2, Title 10, Code of Federal Regulations. Your response should be based on the specifics contained in the Notice of Violation enclosed with this letter.

Additionally, we are concerned about the implementation of your program in the area of management control in that it allowed these violations to occur. Consequently, in your reply to this letter, you should describe those specific actions planned or taken to improve the effectiveness of your management control over your licensed operations, with particular emphasis on measures currently being taken to prevent further transportation violations.

The response directed by this letter and accompanying Notice is not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

RIV:NMIS ADG
ADGaines/gb
1/10/88g

NMIS ADG
LLKasner for
1/10/88g

C:NMIS ADG
DAPowers for
1/10/88g

C:NMSB WLFisher
1/10/88g

JE-07

APPENDIX

NOTICE OF VIOLATION

Tulsa Gamma Ray, Inc.
Tulsa, Oklahoma

Docket: 30-12319
License: 17178-01

During an NRC inspection conducted on November 29 and 30, 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 violations are listed below:

1. 10 CFR 34.25(b) requires that each sealed source be tested for leakage at intervals not to exceed 6 months.

Contrary to the above, the NRC inspector determined on the date of the inspection that a leak test had not been performed on a 34-curie cobalt-60 source, number 1872, that was shipped for disposal on November 8, 1988, since January 20, 1988, an interval greater than 6 months.

This is a Severity Level IV violation. (Supplement VI)

2. 10 CFR 34.31(c) requires, in part, that records of field examinations used to certify individuals as radiographers shall be maintained for 3 years.

Contrary to the above, on the date of the inspection there were no records of field examinations available for three radiographers who started working as radiographers between May 1987, and December 1987, although the licensee stated that they had been given field examinations.

This is a Severity Level V violation. (Supplement VI)

3. 10 CFR 71.5(a) requires, in part, that no licensee transport any licensed material outside the confines of its plant or other place of use, or deliver any licensed material to a carrier for transport, unless the licensee complies with applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170-189.
 - a. 49 CFR 172.403 requires, in part, that each package of radioactive material, unless excepted from labeling by 49 CFR 173.421 - 173.425 be labeled, as appropriate, with a RADIOACTIVE WHITE-I, a RADIOACTIVE YELLOW-II, or a RADIOACTIVE YELLOW-III label.

Contrary to the above, on November 29, 1988, the NRC inspector observed the licensee prepare a package containing iridium-192 for transport and the licensee's personnel then started to leave the licensee's premises without having labeled the package with a RADIOACTIVE YELLOW-II or RADIOACTIVE YELLOW-III label as required.

~~8901700154~~ 3pp.

The NRC inspector requested the licensee's personnel to stop, and during interviews with the licensee's personnel, it was confirmed that the licensee had not been routinely labeling packages as required prior to transporting such packages.

This is a Severity Level IV violation. (Supplement V)

- b. 49 CFR 173.471(a) specifies, in part, that any shipper of a Type B, Type B(U), or Type B(M) package that has been approved by the USNRC in compliance with 10 CFR Part 71 shall be registered with the USNRC as a party to the approval, and the shipment must be made in compliance with the terms of the approval.

A condition of approval for the NRC approved package, as described in NRC Certification of Compliance No. 9053, is that it be shipped in the required overpack.

Contrary to the above, the licensee has routinely shipped licensed material in a gamma camera specified in Certification of Compliance No. 9053 without the required overpack.

This is a Severity Level IV violation. (Supplement V)

- c. 49 CFR 173.475(i) requires that before each shipment of any radioactive materials package, the shipper shall ensure by examination or appropriate tests that external radiation and contamination levels are within the allowable limits specified.

Contrary to the above, on November 29, 1988, the NRC inspector observed the licensee prepare a package containing iridium-192 for transport and the licensee's personnel then started to leave the licensee's premises without having surveyed the package at 1 meter to determine the correct transport index as required. The NRC inspector requested the licensee's personnel to stop, and during interviews with the licensee's personnel, it was confirmed that the licensee had not been routinely surveying packages as required prior to transporting such packages.

This is a Severity Level IV violation. (Supplement V)

- d. 49 CFR 177.817(e) requires, in part, that shipping papers for hazardous material be within immediate reach of the driver and be either readily visible to a person entering the driver's compartment or in a holder mounted to the inside of the door on the driver's side of the vehicle, when the driver is at the vehicle's controls.

Contrary to the above, on the date of the inspection the NRC inspector observed that shipping papers were mounted in locations where the sources were stored (in the back of the trucks) and, therefore, were not readily available to the drivers or authorities.

This is a Severity Level IV violation. (Supplement V)

4. 10 CFR 71.12 grants a general license to any licensee of the Commission to transport licensed material in NRC-approved packages provided certain conditions are adhered to, such as: (1) the licensee has a quality assurance program approved by the Commission as satisfying the provisions of 10 CFR 71 Subpart H; (2) the licensee has a copy of the certificate of compliance of the package; and (3) the licensee has registered in writing with the NRC as a user of the specific DOT specification container.

Contrary to the above, as of November 30, 1988, (1) the licensee had not established a quality assurance program; (2) the licensee did not have a current copy of the certificate of compliance for its Tech Ops Model 683 camera; and (3) the licensee had not registered with the NRC as a user of the NRC-approved package used to transport greater than 20-curie quantities of iridium-192 in special form.

This is a Severity Level IV violation. (Supplement V)

Pursuant to the provisions of 10 CFR 2.201, Tulsa Gamma Ray, Inc., is hereby required to submit to this office, within 30 days of the date of the letter transmitting this Notice, a written statement or explanation in reply, including for each violation: (1) the reason for the violation if admitted, (2) the corrective steps which have been taken and the results achieved, (3) the corrective steps which will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending the response time.

Dated at Arlington, Texas,
this 10th day of January 1988.