

APR 10 1989

In Reply Refer To:
License: 35-26815-01
Docket: 30-20348/88-02

QEST Corporation
ATTN: J. C. Wilson
President
P.O. Box 9501
Tulsa, Oklahoma 74157

Gentlemen:

Thank you for your letter of March 13, 1989, in response to our letter and attached Notice of Violation both dated February 22, 1989. With respect to your response to Violation 2 requesting withdrawal of the violation, we believe the citation was appropriate. Despite your having previously taken action which was effective at preventing a recurrence, we understand that the action was taken as a result of the radiographer's failure to utilize shielding and follow safety procedures, and not as a result of his 1.3 rem exposure. Furthermore, the exposure became a violation only because you had not completed the individual's occupational exposure history as specified in Violation 1.

With respect to your other responses and to the corrective actions detailed we find them responsive to the concerns raised in our Notice of Violation. We will review the implementation of your corrective actions during a future inspection to determine that full compliance has been achieved and will be maintained.

Sincerely,
Original Signed By:
William L. Fisher
William L. Fisher, Chief
Nuclear Materials Safety Branch

cc:
Oklahoma Radiation Control Program Director

bcc w/copy of licensee letter:
DMB - Original (IE-07)
RDMartin
ABBeach
REHall
WLFisher
LShea, RM/ALF (AR-2015)
CLCain
DAPowers
DBSpitzberg
NMSB
MIS System
RIV Files (2)
RSTS Operator

RIV:NMIS *DBS*
DBSpitzberg:ch
4/7/89

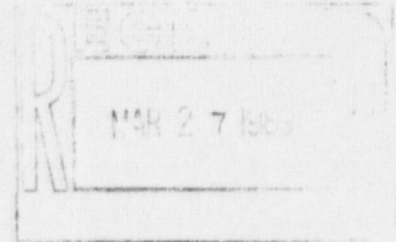
C:NMIS *alp*
DAPowers
4/7/89

C:NMSB *WLF*
WLFisher
4/7/89

8904240101 890410
REQ4 LIC30
35-26815-01 PDC

IE07
11

QEST
QUALITY ENERGY SERVICES & TESTS
PO BOX 9581
TULSA, OKLAHOMA 74157



March 13, 1989

William L. Fisher
Chief Nuclear Materials Safety Branch
United States Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 1000
Arlington, TX 76011

SUBJECT: Inspection Response

REFERENCE: 1) Docket 30-20348/88-02
2) License #35-26815-01

Gentlemen:

The following provides the QEST Corporation response to the radiation safety inspection conducted by Dr. D. B. Spitzberg on December 21-23, 1988. The response is as follows:

VIOLATION NO. 1

10 CFR 20.102(a) requires, in part, that each licensee shall require any individual, prior to first entry of the individual into the licensee's restricted area under such circumstances that the individual will receive or is likely to receive in any period of one calendar quarter an occupational dose in excess of 25 percent of the applicable standards specified in 20.101(a) to disclose in a written, signed statement, either: (1) that the individual had no prior occupational dose during the current calendar quarter, or (2) the nature and amount of any occupational dose which the individual may have received during that specifically identified current calendar quarter from sources of radiation possessed or controlled by other persons.

Contrary to the above, the prior occupational dose of six licensee radiography personnel who had worked in restricted areas since May 9, 1988, had not properly disclosed in that the statements were either not signed by the individuals, not dated, or both.

IC-89-121
~~890403 834~~ 577

IE07

QEST RESPONSE

NRC Form 4's were prepared for all six (6) individuals employed by QEST containing all the information required on that form. Reemphasis of the requirements of 10 CFR 20.102 (a) shall be discussed in detail during the March Radiation Safety Conference that will be conducted by the QA Manager. All NRC Form 4's for present employees shall be updated, signed and dated to demonstrate compliance with 20.102. No employee will be allowed to work in a restricted area exceeding the standards specified in 20.101 (a) until the radiation history is obtained, documented and permissible dose calculated on NRC Form 4. Parallel to this activity, each employee shall review the monthly radiation exposure record calculated by QEST TLD Processor -TMA and sign/date document the review.

The underlying concern noted in the noncompliance is twofold. The first was that not all exposure records were signed by the employees, dated or both. It should be noted that the records were submitted by the employees past employer and QEST has no control over their incomplete records. The records with respect to exposure history were current. To correct the discrepancies of the reports received the records shall be updated by QEST and the RSO re-indoctrinated to the CFR requirements. The second part was that QEST employed an individual who exceeded the table defined in 20.101(a) and was terminated prior to receipt of the exposure history. Aggressive action will be taken to assure this situation does not reoccur in the future.

Completion Date for Corrective Action: 04/01/89

VIOLATION NO. 2

10 CFR 20.101(a) limits the whole body radiation dose of an individual in a restricted area to one and one quarter rems per calendar quarter, except as provided by 10 CFR 20.101(b). Paragraph (b) allows a whole body radiation dose of three rems per calendar quarter provided specified conditions are met.

Contrary to the above, an individual working in the restricted area received a whole body radiation dose of 1.3 rems during the third calendar quarter of 1988 and the conditions of paragraph (b) were not met.

QEST RESPONSE

The individual in question was terminated because of radiation safety practices prior to QEST obtaining all previous radiation history. During his short tenure with QEST, he was given assignments whereby he would not receive a dose greater than the permissible dose in 10 CFR 20.101(a). He refused to utilize shielding and follow safety procedures and was terminated as a result. If he would have followed radiographic assignment and

performed work in accordance with the QEST procedures, the values of 10 CFR 20.101(b) would not have been violated. QEST feels that proper and affirmative action was taken with this individual and contends that this violation is not appropriate. The only action that could be taken was taken to maintain radiation safety.

VIOLATION NO. 3

10 CFR 34.11(d) requires, in part, that the licensee perform internal inspection on radiographers and radiographer assistants at intervals not to exceed 3 months.

Contrary to the above, the licensee had not performed internal-inspections on two radiographers at 3-month intervals since the previous inspection on May 9, 1988, despite the frequent use of radiographic equipment by these personnel during this period.

QEST RESPONSE

To ensure program commitments are performed in the time frame specified by regulation, procedure or company policy, a master schedule (time-line) shall be developed and posted in the RSO's office. This will assure audits, inspections, training and record update is performed as scheduled. An inspection of all radiographers (including the RSO) is scheduled for the third week of March. These inspections shall be performed by the Manager of QA as part of the compliance audit. More frequent audits shall be conducted over company radiation safety procedures/practices based on the NRC Inspection until both personnel and program effectiveness is improved.

Completion Date for Corrective Action: 04/01/89

VIOLATION NO. 4

10 CFR 34.31(a) requires, in part, that the licensee shall not permit any individual to act as a radiographer until such individual has demonstrated understanding of the instruction in this paragraph by successful completion of a written test and a field examination on the subjects covered.

Contrary to the above, since the previous inspection on May 9, 1988, the licensee permitted two individuals to perform radiography before the individuals' written exams were graded and thus determined to be successfully completed.

QEST RESPONSE

QEST concurs that this practice is not acceptable. It should be noted that

the exams were given to the individuals, reviewed by the RSO and that personnel were not permitted to work until the RSO was confident of employee understanding of 10 CFR 34 certification requirements. Future exams will be administered and graded by either the RSO or Manager prior to employee involvement in radiography activities. A refresher course will be administered in March. At that time all employee files will be updated.
Completion Date for Corrective Action: 04/01/89

VIOLATION NO. 5

10 CFR 71.5(a) requires that licensees who transport licensed material outside the confines of their plants or deliver licensed material to a carrier for transport comply with the applicable requirements of the regulations appropriate to the mode of transportation of the Department of Transportation (DOT) in 49 CFR Parts 170-189.

49 CFR 172.200(a) requires, in part, that except as otherwise provided, each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner required by this subpart.

40 CFR 172.203(d) specifies the entries required to appear on shipping papers for radioactive materials and includes the transport index assigned to each package in the shipment bearing RADIOACTIVE YELLOW-II or III labels.

Contrary to the above, since the previous inspection May 9, 1988, the shipping paper accompanying frequent licensee shipments of packages bearing the RADIOACTIVE YELLOW-II label did not contain the measured transportation index.

QEST RESPONSE

The radiation Survey report and utilized log will be revised to include the transport index. The transport index shall be so noted as a part of each radiation safety survey. Completion Date for Corrective Action: 04/01/89

SUMMARY

QEST considers the action taken, planned and in progress responsive to the violations identified. More management attention will be devoted to the commitment of the Radiation Safety Program to ensure the QEST continues to operate safely.

Page 5
W. Fisher
March 16, 1989

If you have any questions, or if I may be of further assistance, please
contact me at your earliest convenience.

Sincerely

James P. Wilson R.S.O.

RJP:bfs

FEB 22 1989

In Reply Refer To:
License: 35-26815-01
Docket: 30-20348/88-02

QEST Corporation
ATTN: J. C. Wilson, President
P.O. Box 9501
Tulsa, Oklahoma 74157

Gentlemen:

This refers to the special radiation safety inspection conducted by Dr. D. B. Spitzberg of this office on December 21-23, 1988, of the activities authorized by NRC Byproduct Material License 35-26815-01 and to the discussion of our findings with members of your staff at the conclusion of the inspection.

The inspection was an examination of the activities conducted under the license as they related 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 inspector.

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's "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. We are concerned that a root cause underlying the enclosed violations appears to be lack of proper management attention to the control of work activities. Your response should specifically address this perception and discuss your plans to improve management's performance as it relates to licensed activities.

The response directed by this letter and the 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:NMISDBS
DBSpitzberg/ch
2/16/89

C:NMIS *WLF*
DAPowers
2/17/89

C:NMSB *WLF*
WLFisher
2/21/89

AC *fw*
R Wise
2/22/89

IE-07

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QEST Corporation

-2-

Should you have any questions concerning this inspection, we will be pleased to discuss them with you.

Sincerely,

**Original Signed By:
William L. Fisher**

William L. Fisher, Chief
Nuclear Materials Safety Branch

Enclosure:
Appendix - Notice of Violation

cc w/enclosure:
Oklahoma Radiation Control Program Director

bcc:
DMB - Original (IE-07)
RDMartin
RLBangart
REHall
WLFisher
LShea, RM/ALF (AR-2015)
CLCain
RWeise
*DAPowers
*DBSpitzberg
*NMSB
*MIS System
*RIV Files (2)
*RSTS Operator

*W/766

APPENDIX

NOTICE OF VIOLATION

QEST Corporation
Tulsa, Oklahoma

Docket: 30-20348/88-02
License: 35-26815-01

Based on the results of the inspection conducted on December 21-23, 1988, and in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1988), the following violations were identified:

1. 10 CFR 20.102(a) requires, in part, that each licensee shall require any individual, prior to first entry of the individual into the licensee's restricted area under such circumstances that the individual will receive or is likely to receive in any period of one calendar quarter an occupational dose in excess of 25 percent of the applicable standards specified in §20.101(a) to disclose in a written, signed statement, either: (1) that the individual had no prior occupational dose during the current calendar quarter, or (2) the nature and amount of any occupational dose which the individual may have received during that specifically identified current calendar quarter from sources of radiation possessed or controlled by other persons.

Contrary to the above, the prior occupational dose of six licensee radiography personnel who had worked in restricted areas since May 9, 1988, had not been properly disclosed in that the statements were either not signed by the individuals, not dated, or both.

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

2. 10 CFR 20.101(a) limits the whole body radiation dose of an individual in a restricted area to one and one quarter rems per calendar quarter, except as provided by 10 CFR 20.101(b). Paragraph (b) allows a whole body radiation dose of three rems per calendar quarter provided specified conditions are met.

Contrary to the above, an individual working in the restricted area received a whole body radiation dose of 1.3 rems during the third calendar quarter of 1988 and the conditions of paragraph (b) were not met.

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

3. 10 CFR 34.11(d) requires, in part, that the licensee perform internal inspections on radiographers and radiographer assistants at intervals not to exceed 3 months.

Contrary to the above, the licensee had not performed internal inspections on two radiographers at 3-month intervals since the previous inspection on May 9, 1988, despite the frequent use of radiographic equipment by these personnel during this period.

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

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4. 10 CFR 34.31(a) requires, in part, that the licensee shall not permit any individual to act as a radiographer until such individual has demonstrated understanding of the instructions in this paragraph by successful completion of a written test and a field examination on the subjects covered.

Contrary to the above, since the previous inspection on May 9, 1988, the licensee permitted two individuals to perform radiography before the individuals' written exams were graded and thus determined to be successfully completed.

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

5. 10 CFR 71.5(a) requires that licensees who transport licensed material outside the confines of their plants or deliver licensed material to a carrier for transport comply with the applicable requirements of the regulations appropriate to the mode of transportation of the Department of Transportation (DOT) in 49 CFR Parts 170-189.

49 CFR 172.200(a) requires, in part, that except as otherwise provided, each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner required by this subpart.

49 CFR 172.203(d) specifies the entries required to appear on shipping papers for radioactive materials and includes the transport index assigned to each package in the shipment bearing RADIOACTIVE YELLOW-II OR III labels.

Contrary to the above, since the previous inspection on May 9, 1988, the shipping papers accompanying frequent licensee shipments of packages bearing the RADIOACTIVE YELLOW-II label did not contain the measured transporation index.

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

Pursuant to the provisions of 10 CFR 2.201, QEST Corporation 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 22nd day of February 1989.