



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD, SUITE 102  
KING OF PRUSSIA, PA 19406-2713

December 12, 2024

IA-24-007

David Huey  
[NOTE: HOME ADDRESS DELETED  
UNDER 10 CFR 2.390]

SUBJECT: ORDER PROHIBITING INVOLVEMENT IN NRC-LICENSED ACTIVITIES,  
NRC INVESTIGATION REPORT 1-2023-007

Dear David Huey:

The enclosed Order is being issued to you as a result of an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI) between December 19, 2022, and November 2, 2023, regarding your activities at Titan Inspections, Inc. (Titan). The purpose of the investigation was, in part, to determine whether you, a Titan manager, engaged in deliberate misconduct that caused Titan to be in violation of NRC requirements. Based on the results of the OI investigation, the NRC determined that you deliberately caused Titan to violate NRC requirements by directing a radiographer to perform radiography at a location within NRC jurisdiction without a second qualified individual being present.

The NRC determined that your actions described above violated Title 10 of the *Code of Federal Regulations* (10 CFR) 30.10(a)(1), which states, in part, that any licensee or employee of a licensee may not engage in deliberate misconduct that causes or would have caused, if not detected, a licensee, to be in violation of any rule, regulation, order, or any term, condition, or limitation of any license issued by the Commission. Your deliberate actions caused Titan to be in violation of 10 CFR 34.41(a). A copy of the enforcement action issued to Titan is included as Enclosure 3.

In a letter dated May 16, 2024, the NRC provided you with a factual summary of the NRC OI report and informed you that the NRC was considering escalated enforcement action against you for the apparent violations of 10 CFR 30.10(a)(1). In that letter, the NRC offered you the opportunity to provide a written response, discuss the apparent violation at a Predecisional Enforcement Conference (PEC), or to engage in Alternative Dispute Resolution (ADR) before we made our final enforcement decision.

On May 24, 2024, and again on May 31, 2024, Marjorie McLaughlin of the NRC staff spoke to you by telephone. You expressed interest in ADR and requested a copy of the transcript of your interview with the NRC's Office of Investigations (OI). On June 20, 2024, we sent you a copy of the transcript and you again spoke with Ms. McLaughlin and informed her you had engaged an attorney for consultation.

In a letter dated June 25, 2024, your attorney informed us that you were interested in engaging with us in ADR and requested that we contact his office to schedule the mediation. Your attorney requested a copy of your transcript with OI. On June 26, the NRC Region I Counsel,

Brett Klukan, emailed your attorney and described the process for initiating ADR and affirmed that the transcript had been sent to you. Mr. Klukan subsequently emailed and called your attorney again on July 12, 2024, to ascertain if you were still pursuing ADR. In a July 18, 2024, email message, your attorney affirmed your continued interest in ADR and stated that he had contacted Cornell University's Institute on Conflict Resolution to initiate the process, in accordance with the instructions in our May 16, 2024, letter. Subsequently, in a July 23, 2024, email, your attorney informed the NRC that he had received an "Enforcement ADR Agreement to Mediate" Form (Agreement) from Cornell and would obtain your signature. On August 6, 2024, Cornell sent the NRC a copy of the Agreement that was signed by you on July 24, 2024. The NRC's representative signed and returned the completed form to Cornell on August 7, 2024. On August 8, 2024, Timothy Hennessey of the NRC staff sent your attorney an email offering to schedule the ADR on any of five suggested dates in September. Your attorney responded in an email that day and said you could not support a mediation session in September. Mr. Hennessey responded that same day with five alternative dates during October 2024. After not receiving a response, Mr. Hennessey again emailed your attorney on August 20, 2024, to determine if any of the alternative dates in October were acceptable. Mr. Klukan also emailed your attorney on August 20, 2024, and informed him that Section 7 of the Agreement signed by you states, in part: "The Parties understand that the NRC's goal is to hold a mediation session within 45 days of the date of the letter giving rise to this mediation". Mr. Klukan informed your attorney that if we did not receive a response, the NRC would not participate in the ADR process with you. On September 16, 2024, Mr. Hennessey sent a similar email to you.

On October 7, 2024, we sent letters to you and your attorney stating that if we did not hear back from you or your attorney within 10 days of confirmed receipt of our letter, that the NRC would proceed with its enforcement action which could result in an order prohibiting your involvement in NRC-licensed activities for a specified period of time. A copy of this letter is included as Enclosure 2.

Your deliberate misconduct has resulted in the loss of reasonable assurance that you may be relied upon, at this time, to comply with NRC requirements. Consequently, the NRC has decided to issue an Order that prohibits your involvement in NRC-licensed activities for a period of three years. This Order, which is set forth in Enclosure 1, also requires you to provide the NRC in writing the name, address, and telephone number of your employer of the first subsequent employment in NRC-licensed activities, including work performed in NRC jurisdiction under reciprocity, for a period of one year following completion of the three-year prohibition.

Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, any person who willfully violates, attempts to violate, or conspires to violate, any provision of this Order shall be subject to criminal prosecution as set forth in that section. Violation of this Order may also subject the person to monetary civil penalty.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter and its enclosures will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's Agencywide Document Access and Management System (ADAMS), accessible from the NRC Web site at <https://www.nrc.gov/reading-rm/adams.html>.

Because this letter references and encloses information related to enforcement action against an individual, this letter and its enclosures will be maintained by the Office of Enforcement in an

NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." Detailed information about this system of records, including the NRC-3 system notice, can be accessed from the NRC's Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Questions concerning this Order should be addressed to Monica Ford, Chief, Commercial, Industrial, Research & Development, & Academic Branch, NRC Region I, at 610-337-5214.

Sincerely,



Signed by Pelton, David  
on 12/12/24

David L. Pelton, Director  
Office of Enforcement

cc w/ enclosures: Commonwealth of Pennsylvania & Michael Santa Barbara, Esq.

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Enclosures:

1. Order Prohibiting Involvement in NRC-Licensed Activities
2. Titan MGR LTR IA-24-007
3. Titan Inc NOV EA-24-005

SUBJECT: ORDER PROHIBITING INVOLVEMENT IN NRC-LICENSED ACTIVITIES,  
NRC INVESTIGATION REPORT 1-2023-007

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S Seeley, SAO-RI / F Gaskins, SAO-RI	
R Chazell, ORA, RI	
J Nick, ORA, RI	
L. Casey, RI	
T Hennessey, RI	

**ADAMS DOCUMENT ACCESSION NO.:ML24339B483**

OFFICE	RI/ORa	RI/DRSS	RI/ORa	RI/ORa	RI/DRSS	RA
NAME	THennessey	MFord/mlf	RChazell	JNick	PKrohn	RLorson
DATE	10/23/2024	10/24/2024	10/24/2024	10/25/2024	10/28/2024	10/30/2024
OFFICE	BC:OE/EB	NMSS	OGC	OE/OD		
NAME	JPeralta	MBurgess	RCarpenter	DPelton		
DATE	12/06/2024	12/06/2024	12/06/2024	12/12/2024		

OFFICIAL RECORD COPY

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
 ) IA-24-007  
David Huey )  
 )

ORDER PROHIBITING INVOLVEMENT IN  
NRC-LICENSED ACTIVITIES

I

David Huey (Huey) is a manager employed by Titan Inspection, Inc. (Titan). During the relevant time periods discussed below, Titan did not possess a specific license issued by the U.S. Nuclear Regulatory Commission (NRC) under *Title 10 of the Code of Federal Regulations* (10 CFR) Part 30, but possessed a specific license issued under the regulatory jurisdiction of the Commonwealth of Pennsylvania. The Commonwealth of Pennsylvania is an Agreement State, which means it has entered into an agreement with the NRC to regulate certain radioactive material within its borders. As an Agreement State licensee, Titan could conduct radiography in NRC jurisdiction under the general NRC license granted pursuant to 10 CFR 150.20. As of September 27, 2023, Titan holds license No. 37-35708-01 issued by the NRC. The license authorizes Titan to possess and utilize material for the purposes of industrial radiography.

II

An investigation was initiated by the NRC, Office of Investigations (OI), Region I, on December 19, 2022, to determine, in part, whether Huey deliberately directed a Titan radiographer to perform radiographic operations at a temporary jobsite in West Virginia, NRC jurisdiction, on November 16, 2022, without a second qualified individual. NRC regulations, specifically 10 CFR 34.41(a), require that whenever radiography is performed at a location other than a permanent radiographic installation, a radiographer must be accompanied by at least one other qualified radiographer or an individual who has, at a minimum, met the requirements of 10 CFR 34.43(c). Radiography may not be performed if only one qualified individual is present. Huey stated during the OI interview that he was aware of the requirement to have a second qualified individual present when conducting radiography. On November 16, 2022, at his direction, a radiographer completed eleven radiographs without a second qualified individual.

In a letter dated May 16, 2024, the NRC informed Huey that the NRC was considering escalated enforcement action against him for apparent violations of the NRC's deliberate misconduct rule, 10 CFR 30.10(a)(1). In the letter, the NRC offered Huey the opportunity to respond in writing to the apparent violation, request a Predecisional Enforcement Conference (PEC), or request Alternative Dispute Resolution (ADR). Although Huey did sign the ADR agreement, neither Huey, nor his attorney, responded to requests for dates to hold an ADR session. On October 7, 2024, we sent letters to you and your attorney stating that if we did not hear back from you or your attorney within 10 days of confirmed receipt of our letter, that the NRC would proceed with

Enclosure 1

its enforcement action which could result in an order prohibiting your involvement in NRC-licensed activities for a specified period of time.

### III

Based on the above, Huey, an employee of Titan, engaged in deliberate misconduct that caused Titan to be in violation of 10 CFR 34.41(a). The NRC must be able to rely on its licensees and their employees to comply with NRC requirements. Huey's action in causing Titan to violate 10 CFR 34.41(a) has raised serious doubt as to whether he can be relied upon to comply with NRC requirements and to provide complete and accurate information to the NRC.

Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the NRC's requirements and that the health and safety of the public will be protected if Huey were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety, and interest require that Huey be prohibited from any involvement in NRC-licensed activities for a period of three years from the date of this Order. Additionally, Huey is required to notify the NRC of his first employment in NRC-licensed activities, including work performed in NRC jurisdiction under reciprocity, for a period of one year following the prohibition period.

### IV

Accordingly, pursuant to sections 81, 161b, 161i, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, and 10 CFR 30.10, IT IS HEREBY ORDERED THAT:

1. David Huey is prohibited for three years from the date of this Order from conducting, supervising, directing, or in any other way engaging in NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20.
2. If David Huey is currently involved in NRC-licensed activities, he must immediately cease those activities; inform the NRC of the name, address, and telephone number of the employer or other entity for whom he is conducting NRC-licensed activities; and provide a copy of this Order to the employer or other entity.
3. For a period of one year after the three-year prohibition on engaging in NRC-licensed activities has expired, David Huey shall, within 20 days of accepting his first employment offer involving NRC-licensed activities or otherwise first becoming involved in NRC-licensed activities, as defined in Section IV.1 above, provide notice to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, Washington, DC 20555-0001, of the name, address, and telephone number of the employer or other entity for whom he will be participating in or conducting the NRC-licensed activities. In the notification, Huey shall include a statement of his commitment to compliance with regulatory requirements and the basis for why the Commission should have confidence that he will now comply with applicable NRC requirements. The Director, Office of Enforcement, or designee, may, in

writing, relax or rescind any of the above conditions upon demonstration by David Huey of good cause.

## V

In accordance with 10 CFR 2.202, Huey must submit a written answer to this Order under oath or affirmation within 30 days of its publication in the Federal Register. Huey's failure to respond to this Order could result in additional enforcement action in accordance with the Commission's Enforcement Policy. In addition, Huey and any other person adversely affected by this Order may request a hearing on this Order within 30 days of its publication in the Federal Register. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings including documents filed by an interested state, local governmental body, federally recognized Indian Tribe, or designated agency thereof that requests to participate under 10 CFR 2.315(c), must be filed in accordance with 10 CFR 2.302. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases, to mail copies on electronic storage media, unless an exemption permitting an alternative filing method, as discussed below, is granted. Detailed guidance on electronic submissions is located in the Guidance for Electronic Submissions to the NRC (ADAMS Accession No. ML13031A0561) and on the NRC Web site at <https://www.nrc.gov/site-help/e-submittals.html>.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at [hearing.docket@nrc.gov](mailto:hearing.docket@nrc.gov), or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. After a digital ID certificate is obtained and a docket created, the participant must submit adjudicatory documents in Portable Document Format. Guidance on submissions is available on the NRC's public Web site at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system timestamps the document and sends

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<sup>1</sup> Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly available using the accession number in ADAMS.

the submitter an e-mail confirming receipt of the document. The E-Filing system also distributes an e-mail that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed to obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public Web site at <https://www.nrc.gov/site-help/e-submittals.html>, by e-mail to [MSHD.Resource@nrc.gov](mailto:MSHD.Resource@nrc.gov), or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted in accordance with 10 CFR 2.302(b)-(d). Participants filing adjudicatory documents in this manner are responsible for serving their documents on all other participants. Participants granted an exemption under 10 CFR 2.302(g)(2) must still meet the electronic formatting requirement in 10 CFR 2.302(g)(1), unless the participant also seeks and is granted an exemption from 10 CFR 2.302(g)(1).

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is publicly available at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click "cancel" when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information such as social security numbers, home addresses, or personal phone numbers in their filings unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants should not include copyrighted materials in their submission.

If a person other than Huey requests a hearing, that person shall set forth with particularity the manner in which their interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f). If a hearing is requested by Huey or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 30 days from the date this Order is published in the Federal Register without further order or proceedings. If an extension of time for requesting a hearing



D. Huey

- 5 -

has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "D. L. Pelton", followed by a horizontal line extending to the right.

Signed by Pelton, David  
on 12/12/24

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David L. Pelton  
Director, Office of Enforcement

Dated 12<sup>th</sup> day of December 2024



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD, SUITE 102  
KING OF PRUSSIA, PA 19406-1415

October 7, 2024

IA-24-007

David Huey  
[HOME ADDRESS DELETED  
UNDER 10 CFR 2.390]

SUBJECT: RESPONSE REQUIRED – NRC OFFICE OF INVESTIGATIONS REPORT  
NO. 1-2023-007

Dear David Huey:

This letter refers to the U.S. Nuclear Regulatory Commission's (NRC's) investigation conducted between December 19, 2022, and November 2, 2023, to determine in part, whether you, as a manager, deliberately caused Titan Inspection Inc. to violate the NRC's requirements by directing a radiographer to perform radiography at a location within the NRC's jurisdiction without a second qualified individual being present.

In a letter dated May 16, 2024, the NRC provided you with a factual summary of the investigation and described an apparent violation that we informed you was being considered for escalated enforcement action. In the letter, we offered you the opportunity to address the apparent violation by either providing a written response, attending a pre-decisional enforcement conference (PEC), or requesting Alternative Dispute Resolution (ADR) before we made our final enforcement decision. On May 24, 2024, and again on May 31, 2024, Marjorie McLaughlin of the NRC staff spoke to you by telephone. You expressed interest in ADR and requested a copy of the transcript of your interview with the NRC's Office of Investigations (OI). On June 20, 2024, we sent you a copy of the transcript and you again spoke with Ms. McLaughlin and informed her you had engaged an attorney for consultation.

In a letter dated June 25, 2024, your attorney informed us that you were interested in engaging with us in ADR and requested that we contact his office to schedule the mediation. Your attorney requested a copy of your transcript with OI. On June 26, the NRC Region I Counsel, Brett Klukan, emailed your attorney and described the process for initiating ADR and affirmed that the transcript had been sent to you. Mr. Klukan subsequently emailed and called your attorney again on July 12, 2024, to ascertain if you were still pursuing ADR. In a July 18, 2024, email message, your attorney affirmed your continued interest in ADR and stated that he had contacted Cornell University's Institute on Conflict Resolution to initiate the process, in accordance with the instructions in our May 16, 2024, letter. Subsequently, in a July 23, 2024, email, your attorney informed the NRC that he had received an "Enforcement ADR Agreement to Mediate" Form (Agreement) from Cornell and would obtain your signature. On August 6, 2024, Cornell sent the NRC a copy of the Agreement that was signed by you on July 24, 2024. The NRC's representative signed and returned the completed form to Cornell on August 7, 2024.

Enclosure 2

On August 8, 2024, Timothy Hennessey of the NRC staff sent your attorney an email offering to schedule the ADR on any of five suggested dates in September. Your attorney responded in an email that day and said you could not support a mediation session in September. Mr. Hennessey responded that same day with five alternative dates during October 2024. After not receiving a response, Mr. Hennessey again emailed your attorney on August 20, 2024, to determine if any of the alternative dates in October were acceptable. Mr. Klukan also emailed your attorney on August 20, 2024, and informed him that Section 7 of the Agreement signed by you states, in part: "The Parties understand that the NRC's goal is to hold a mediation session within 45 days of the date of the letter giving rise to this mediation." Mr. Klukan informed your attorney that if we did not receive a response, the NRC would not participate in the ADR process with you. On September 16, 2024, Mr. Hennessey sent a similar email to you.

Since you and your attorney have not responded to the NRC communications requesting to schedule ADR dates, the NRC is no longer pursuing ADR with you. You may choose to provide a written response to the apparent violation detailed in our May 16, 2024, letter within 10 days of the confirmed receipt of this letter or request a Pre-decisional Enforcement Conference within 10 days of confirmed receipt of this letter. If PEC is selected, the PEC would take place in the NRC's Region I office in King of Prussia, PA within 30 days of the confirmed receipt of this letter. If we do not hear from you or your attorney within 10 days of the confirmed receipt of this letter, the NRC will proceed with its enforcement action which may result in an order prohibiting your involvement in NRC-licensed activities for a specified period of time.

If you have any questions concerning this matter, please contact Monica Ford of my staff at 610-337-5214.

Sincerely,

/RA/

Paul G. Krohn, Director  
Division of Radiological Safety and Security

CC: Michael Santa Barbara, Esq.  
CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

SUBJECT: STATUS LETTER – NRC OFFICE OF INVESTIGATIONS REPORT  
NO. 1-2023-007 DATED OCTOBER 7, 2024

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J Nick, ORA, RI	
PA Department of Environmental Protection	

**ADAMS DOCUMENT ACCESSION NO.: ML24278A183**

DOCUMENT NAME: S:\Enf-allg\Enforcement\Proposed-Actions\Region1\Titan MGR LTR EA-24-007.docx

X SUNSI Review/ TMH		X Non-Sensitive □ Sensitive			X Publicly Available □ Non-Publicly Available	
OFFICE	RI/OROA	RI/DRSS	RI/OROA	RI/OROA	OE	NMSS
NAME	T Hennessey	M Ford	R Chazell	J Nick	J Peralta	M Burgess
DATE	9/25/24	9/26/24	9/27/2024	9/30/2024	10/4/2024	10/4/2024
OFFICE	OGC					RI/DRSS
NAME	R Carpenter					P Krohn
DATE	10/4/2024					10/7/2024



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD, SUITE 102  
KING OF PRUSSIA, PA 19406-2713

September 3, 2024

EA-24-005

Daniel Schroeder  
Titan Inspections, Inc.  
200 Tombs Lane  
Montoursville, PA 17754

SUBJECT: TITAN INSPECTIONS-NOTICE OF VIOLATION OF NRC REQUIREMENTS, NRC OFFICE OF INVESTIGATIONS REPORT NO. 1-2023-007

Dear Daniel Schroeder:

This letter refers to the investigation conducted by the U.S. Nuclear Regulatory Commission's (NRC's) Office of Investigations between December 19, 2022, and November 2, 2023, at Titan Inspection, Inc (Titan). The purpose of the investigation was to determine whether employees of Titan deliberately failed to properly conduct radiography operations while working under reciprocity at a temporary jobsite in NRC jurisdiction. In a letter dated May 16, 2024, Agencywide Documents Access and Management System (ADAMS) Accession No. (ML24136A048)<sup>1</sup>, we provided you with a factual summary of the investigation and described an apparent violation that we informed you was being considered for escalated enforcement action.

Namely, the NRC identified an apparent violation of Title 10 of the *Code of Federal Regulations* (10 CFR) 34.41, "Conducting industrial radiographic operations." The apparent violation was related to Titan's failure to ensure that when radiography was performed at a location other than a permanent radiographic installation, the radiographer was accompanied by at least one other qualified radiographer or by an individual who at a minimum met the requirements of 10 CFR 34.43(c). Specifically, on November 16, 2022, at the direction of a Titan manager, a Titan radiographer performed radiography at a temporary job site near Wheeling, West Virginia (within NRC jurisdiction) and was the only qualified individual present.

In the letter, we provided you the opportunity to address the apparent violation by attending a pre-decisional enforcement conference (PEC), by engaging the NRC in Alternative Dispute Resolution (ADR) mediation, or by providing a written response before we made our final enforcement decision. On June 27, 2024, you attended a PEC in the NRC Region I office to discuss the apparent violation, its significance, its root causes, and your corrective actions. Subsequently, in an email dated July 1, 2024, you submitted a letter documenting the corrective actions you described during the PEC (ML24198A156). A summary of the PEC and the corrective actions you described at the conference and in your July 1, 2024, letter is included as Enclosure 1 to this letter.

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<sup>1</sup>Designation in parentheses refers to an Agency-wide Documents Access and Management System (ADAMS) accession number. Documents referenced in this letter are publicly available using the accession number in ADAMS.

Enclosure 3

Based on the information developed during the investigation and the information that you provided during the PEC, the NRC has determined that a violation of NRC requirements occurred. As noted above, the violation involves the willful failure to properly conduct radiography operations in accordance with 10 CFR 34.41. The violation is cited in the enclosed Notice of Violation (Notice), provided as Enclosure 2, and the circumstances surrounding it are described in detail in the subject investigation report.

The NRC considers the willful failure to properly conduct radiographic operations a significant safety and regulatory concern because conducting radiographic operations without a second qualified individual could lead to potential exposures to members of the public. The NRC notes that in this case, no known exposures have been identified. The NRC reviewed the specific circumstances involved with this case including the fact that there were no actual radiological consequences and reviewed your actions subsequent to the identification of this violation and, after consultation with the Director, Office of Enforcement, categorized this violation in accordance with the NRC Enforcement Policy at Severity Level III. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In accordance with Section 8 of the NRC Enforcement Policy, a base civil penalty in the amount of \$18,000 is considered for a Severity Level III violation involving an industrial radiography licensee. Because the violation was willful, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. The NRC determined that credit was warranted for identification because you identified the violation and reported the issue to the NRC. The NRC also determined that corrective action credit was warranted for Titan's actions taken to address the violation, as described in Enclosure 1. Therefore, to encourage prompt identification and comprehensive correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III violation constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC has concluded that information regarding (1) the reason for the violation, (2) the corrective actions that have been taken and the results achieved and (3) the date when full compliance was achieved is already adequately addressed on the docket in the NRC's letter dated May 16, 2024, and in Enclosure 1 to this letter. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, should you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your

response that deletes such information. If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

If you have any questions concerning this matter, please contact Monica Ford of my staff at 610-337-5214.

Sincerely,

Digitally signed

**Raymond** by Raymond K.  
Lorson

**K. Lorson** Date:2024.09.03

Raymond !..Orsonl 3:02:36 -04'00'

Regional Administrator

License No. 37-35708-01

Docket No. 030-39345

PA License No. PA-1559

Enclosures:

1. Summary of June 27, 2024, Pre-decisional Enforcement Conference and Description of Corrective Actions
2. Notice of Violation

## ENCLOSURE 1

### SUMMARY OF JUNE 27 PRE-DECISIONAL ENFORCEMENT CONFERENCE AND DESCRIPTION OF CORRECTIVE ACTIONS

On May 16, 2024, the NRC issued Titan Inspection, Inc. (Titan) a choice letter with an inspection report that described one apparent violation of Title 10 of the *Code of Federal Regulations* (10 CFR) 34.41, "Conducting industrial radiographic operations." The apparent violation was related to Titan's failure to ensure that when radiography was performed at a location other than a permanent radiographic installation, the radiographer was accompanied by at least one other qualified radiographer or by an individual who at a minimum met the requirements of 10 CFR 34.43(c). Specifically, on November 16, 2022, at the direction of a Titan manager, a Titan radiographer performed radiography at a temporary job site near Wheeling, West Virginia (within NRC jurisdiction) and was the only qualified individual present.

In the May 16, 2024, letter the NRC staff informed Titan that the apparent violation was being considered for escalated enforcement action and provided the licensee the opportunity to address the apparent violation by attending a pre-decisional enforcement conference (PEC), by engaging the NRC in Alternative Dispute Resolution (ADR) mediation, or by providing a written response. Titan elected to participate in a PEC and the conference was conducted on June 27, 2024, at the NRC's Region I office.

The licensee's representative (Titan's Chief Executive Officer (CEO) and Radiation Safety Officer (RSO)) did not contest the apparent violation. The CEO suggested the failure occurred, in part, due to an emphasis by new management on customer satisfaction over safety, a failure to oversee new management during onboarding and training of new staff, and a lack of emphasis on the need to immediately report any request or instruction that would result in a violation of safety regulations. The CEO described having taken more direct control over operations at both Titan's office locations—at least in the short term—to implement corrective actions and prevent recurrence.

The licensee's representative described the following immediate corrective actions that have been implemented:

- suspended the two involved Titan employees from engaging in radiography activities (NOTE: one of the employees resigned shortly after the event),
- implemented a standard to train all new Pittsburgh (PA) branch staff at the Williamsport (PA) office (where the CEO is based),
- addressed the topic of "solo shooting" at an all-staff meeting and reminding employees that it is strictly prohibited in all situations, regardless of who instructs them to do so, and reinforced that employees are to immediately contact the CEO if any safety regulations are violated and/or if they are asked to violate any regulations,
- met with each Pittsburgh branch employee to ensure they were adequately trained, that they understand the regulations, and that they understand they are to contact the CEO/RSO with any safety concerns.

The Titan representative described the following longer-term corrective actions:

- add verbiage to the employee handbook, in the Radiation Safety Disciplinary Policy section, addressing what needs to occur if someone instructs an employee to violate a safety regulation,
- add questions to both Radiographer and Assistant Radiographer Radiation Safety Tests, as well as a verbal question and answer component to the practical examination,



- post the Radiation Disciplinary Policy in the shop,
- reiterate in safety meetings a variety of safety violations, including solo shooting, that will result in immediate disciplinary action, including potential termination,
- Retraining the manager through attendance at a 40-hour radiation safety course (if the manager remains on staff).

The PEC attendance list and the NRC's PEC presentation are attached to this summary.

Attachments:

1. Attendee list
2. NRC presentation

Attachment 1 - Attendee list

**NRC**

Region I:

Paul Krohn, Director, Division of Radiological Safety & Security (DRSS)

Brett Klukan, Regional Counsel, Office of the Regional Administrator (ORA)

Monica Ford, Chief, Commercial, Industrial, Research & Development, and Academic Branch (CIRDA), DRSS

Randy Ragland, Senior Health Physicist, CIRDA, DRSS

Marjorie Mclaughlin, Senior Enforcement Specialist, ORA

Sherlyn Haney, Acting Senior Enforcement Specialist, ORA

Timothy Hennessey, Enforcement Specialist, ORA

Office of General Counsel:

Robert Carpenter, Senior Attorney

**Titan Inspection, Inc.**

Daniel Schroeder, CEO

Attachment 2 - NRC PEC Presentation

# PRE-DECISIONAL ENFORCEMENT CONFERENCE

June 27, 2024

1:00-4:00



# LOGISTICS

- Closed Meeting that will be transcribed
  - Transcript will be non-public, but available through FOIA
- Please turn on camera when speaking
  - State name and affiliation prior to speaking
  - When not speaking, turn off camera and mute microphone



# AGENDA

Opening Remarks &  
Attendee Introductions

P. Krohn

Licensee Opening Remarks

D. Schroeder

Overview of Enforcement Process

T. Hennessey

Summary of the Apparent Violation

T. Hennessey

Licensee Presentation

D. Schroeder

NRC Caucus

NRC Staff

Closing PEC Remarks

P.Krohn



# NRC OPENING REMARKS

- Today's Pre-Decisional Enforcement Conference (PEC) with Titan Inspections, Inc. (Titan) is being conducted to discuss an apparent violation (AV) of NRC requirements.
  - The AV is related to a failure to properly conduct radiography operations while working under reciprocity at a temporary jobsite in NRC jurisdiction.
- Please Note:
  - The NRC has not made a final enforcement decision on this matter.
  - This PEC is your opportunity to provide information you want the NRC to consider in making a final decision.
- Introductions



# TITAN INSPECTIONS, INC. OPENING REMARKS





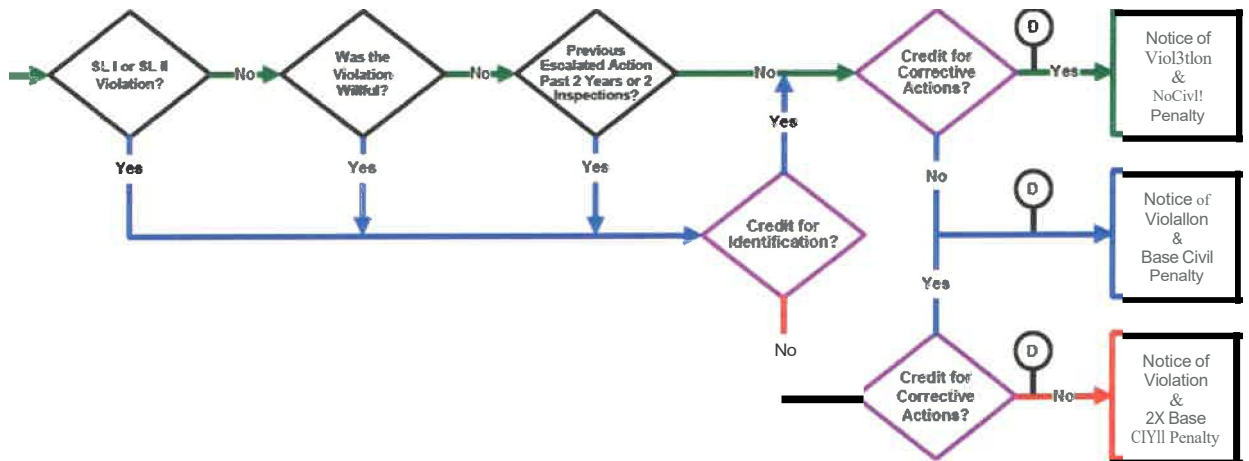
# ESCALATED ENFORCEMENT PROCESS

- NRC Enforcement Policy available at <https://www.nrc.gov/about-nrc/regulator/enforcement/enforcement.html>
- The significance of violations is assessed using Severity Levels.
  - SL I is the most significant and SL IV is the least.
  - SL I, SL II, and SL III violations are considered for escalated enforcement action.
- Factors used in determining Severity Level:
  - Actual Consequences
  - Potential Consequences
  - Impact to the Regulatory Process
  - Willfulness



# ESCALATED ENFORCEMENT PROCESS

Severity Level I, II & III Violations, and Violations related to Red, Yellow and White SOP Findings with Actual Consequences



# ENFORCEMENT PROCESS - ROLE OF PEC

- Following this PEC, the NRC will issue the final enforcement outcome.
- A PEC is not a forum for negotiating the enforcement action. It is an opportunity for you to present additional information you want the NRC to consider.
- The NRC staff's final position will not be communicated today. Rather, the NRC staff at this conference will consider the information you present, in conjunction with the information from the investigation, to reach a final decision.



# SUMMARY OF APPARENT VIOLATION

- An NRC investigation was conducted to evaluate whether employees of Titan deliberately failed to properly conduct radiography operations while working under reciprocity at a temporary jobsite in NRC jurisdiction.

- One Apparent Violation was identified:

10 CFR 34.41(a) requires, in part, that whenever radiography is performed at a location other than a permanent radiographic installation, the radiographer must be accompanied by at least one other qualified radiographer or an individual who has at a minimum met the requirements of 10 CFR 34.43(c). The additional qualified individual shall observe the operations and be capable of providing immediate assistance to prevent unauthorized entry. Radiography may not be performed if only one qualified individual is present.

Contrary to the above, on November 16, 2022, Titan Inspection, Inc. performed radiography at a location other than a permanent radiographic installation and the individual performing the radiography was not accompanied by at least one other qualified radiographer or other individual meeting, at a minimum, the requirements of 10 CFR 34.43(c). Specifically, a Titan Inspection, Inc. radiographer performed radiography at a temporary job site and was the only qualified individual present.



# TITAN INSPECTIONS, INC. PRESENTATION



# QUESTIONS & ANSWERS



BREAK / NRC CAUCUS



# QUESTIONS & ANSWERS





# CLOSING REMARKS



## ENCLOSURE 2

### NOTICE OF VIOLATION

Titan Inspection, Inc.  
Montoursville, PA

License No. 37-35708-01  
Docket No. 030-39345  
EA-24-005

During an NRC investigation conducted between December 19, 2022, and November 2, 2023, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 34.41(a) requires, in part, that whenever radiography is performed at a location other than a permanent radiographic installation, the radiographer must be accompanied by at least one other qualified radiographer or an individual who has at a minimum met the requirements of 10 CFR 34.43(c). The additional qualified individual shall observe the operations and be capable of providing immediate assistance to prevent unauthorized entry. Radiography may not be performed if only one qualified individual is present.

Contrary to the above, on November 16, 2022, Titan Inspection, Inc. performed radiography at a location other than a permanent radiographic installation and the individual performing the radiography was not accompanied by at least one other qualified radiographer or individual who has at a minimum met the requirements of 10 CFR 34.43(c). Specifically, a Titan Inspection, Inc. radiographer willfully performed radiography at a temporary job site and was the only qualified individual present.

This is a Severity Level III violation as defined in Section 6.3.c.4.(a) of the Enforcement Policy.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in the NRC's letter dated May 16, 2024, and in Enclosure 1 to the letter transmitting this Notice of Violation. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, (EA-24-005), and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, NRC Region I, 475 Allendale Road, Suite 102, King of Prussia, PA 19406 within 30 days of the date of the letter transmitting this Notice of Violation.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 3rd day of September 2024