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Materials Engineering and Testing
A Rockwood Company

August 29, 2003

Mr. Frank J. Congel, Director
Office of Enforcement
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville, MD 20852-2738

Reply to a Notice of Violation; EA-03101

Dear Mr. Congel,

Please accept this letter as the response to the Notice of Violations I received regarding the violation of NRC requirements during a field inspection conducted by one of your inspectors on April 11, 2003 in Janesville, Wisconsin.

1. **Violation of 10 CFR 20.1802:** Failure to control and maintain constant surveillance of license material.

During the course of conducting radiography at a temporary job site, the radiographers had completed an exposure and returned to the darkroom vehicle. One of the radiographers went inside of the darkroom in order to develop the film from the previous weld they had radiographed. The second radiographer went to the passenger side of the vehicle and proceeded to make a number belt for the next weld. While making the number belt, the radiographer had sight of the exposure device through the front cab of the vehicle, but did not have visual surveillance of the area two (2) feet behind the device, and was unable to observe the inspector as he approached the device and consequently, was not challenged.

Longview Inspection procedures prohibit both radiographers from returning the vehicle and leaving the device unattended. As a result from this incident, the radiography crew was removed from the job site, and subsequent actions from the management and compliance staffs, resulted in the dismissal of one radiographer for willfully disregarding both regulations and procedures.

Corrective actions have been implemented to prevent the re-occurrence of this type of violations in the future. Additional training and more frequent radiographer filed audits are part of the corrective actions. Each Longview radiographer have signed a statement, indicating that they fully understand this particular requirement, and failure to follow procedures will result in disciplinary actions being taken immediately.

2. **Violation of 10 CFR 34.23 (a)** Requires the device and/or container be kept locked when not under the control of the radiographer or assistant radiographer.

During the investigation and review of these violations, the radiographer indicated he had not intentionally left the device unlocked, but had forgot to lock it because they were going to make four more exposures after returning from the vehicle.

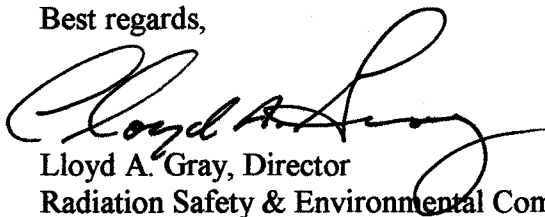
Once again, all radiographic personnel have been re-instructed relevant to this particular requirement, and instructed to return the device to the transport container inside of the vehicle and lock it when neither radiographer has the device under control in an unrestricted area. This activity will be observed during unannounced field audits.

Longview Inspection will comply with 10 CFR 20.1802 and 10 CFR 34.23 (a) and is now in full compliance. A check in the amount of \$6000.00 US Dollars has been sent to the License Fee and Accounts Receivable Branch

As I indicated to the NRC Enforcement staff at the Enforcement hearing, I am convinced that incidents like this and similar violations that are a direct result of negligence on the part of the radiography crew, will continue to occur until the NRC and agreement states begin enforcing some form of actions against the radiographers. As a company, we make every effort to train, instruct, and provide all of the necessary safety equipment to every individual, but sometimes, enforcement and compliance authorities should recognize non-compliance actions by the individuals as well.

Should you have any questions or comments regarding the information I have provided in my response, please do not hesitate to call me at any time.

Best regards,



Lloyd A. Gray, Director
Radiation Safety & Environmental Compliance

Cc: Regional Administrator Region IV