

September 7, 2007

EA-07-191

Mr. Lawrence R. Kondrat, President
Cal Testing Services, Inc.
d/b/a Calumet Testing Services
1945 North Griffith Boulevard
Griffith, IN 46319

SUBJECT: NOTICE OF VIOLATION (NRC SPECIAL INSPECTION REPORT
NO. 030-10856/2007-001(DNMS)) - CAL TESTING SERVICES, INC.

Dear Mr. Kondrat:

This refers to the special inspection conducted on June 28, 2007, at your facility located in Griffith, Indiana. The purpose of the inspection was to review the circumstances, root and contributing causes, and proposed corrective actions to a reported potential overexposure event that occurred on April 19, 2007.

In the letter dated July 25, 2007, transmitting the inspection report, we provided you with the opportunity to address the apparent violation identified in the report by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. In a letter dated August 20, 2007, you provided a response to the apparent violation.

Based on the information developed during the inspection and the information that you provided in your response, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report. On May 10, 2007, you notified the NRC that a radiographer's film badge received a dose of approximately 8.9 rem for the month of April 2007. You subsequently provided a written report to the NRC dated June 4, 2007, that concluded that the exposure was to the film badge only and not to the radiographer. On April 19, 2007, the radiographer was conducting radiography at your facility and had been carrying his film badge in his coat pocket because it kept falling off the badge holder. Later in the morning the radiographer took his coat off and hung it in the vicinity of the camera and continued to conduct radiography. At no time did the radiographer's or his assistant's pocket dosimeters go off scale nor did their alarming rate dosimeters alarm. A re-enactment of the exposure setup indicated that a film badge would receive a dose of 9.1 rem under similar circumstances. The radiographer's lack of attention to detail resulted in his inadvertent removal of his film badge prior to performing radiographic operations.

The film badge is used as the basis for assigning occupational dose to the radiographer to ensure compliance with NRC dose limits. Any failure to wear radiation monitoring equipment during radiographic operations is a significant regulatory concern. Therefore, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$6,500 is considered for a Severity Level III violation. Because your facility has not been the subject of escalated enforcement actions within the last two inspections, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section VI.C.2 of the Enforcement Policy. Credit was warranted for your corrective actions which included (1) immediately suspending the radiographer from radiography pending an investigation; (2) conducting a prompt and thorough investigation; (3) re-instructing all radiography personnel on safety regulations and procedures, particularly the requirement to wear personnel monitoring equipment; (4) currently requiring radiographers to tape film badges to their holders; (5) re-instructing radiographers to never place pocket dosimeters or film badges in outer garment pockets; (6) and consulting with a local manufacturer to design and develop a special carrying case to hold the pocket dosimeter and film badge.

Therefore, to encourage prompt and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, 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, which may subject you to increased inspection effort.

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 Inspection Report No. 030-10856/2007-001(DNMS) and your letter dated August 20, 2007. 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 enclosure, and your response, should you choose to respond, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document 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. The NRC also includes significant enforcement actions on its Web site at www.nrc.gov.

Please contact John Madera, Chief, Materials Inspection Branch, with any questions. Mr. Madera can be reached at telephone number (630) 829-9834.

Sincerely,

/RA by Mark A. Satorius Acting for/

James L. Caldwell
Regional Administrator

Docket No. 030-10856
License No. 13-16347-01

Enclosure:
Notice of Violation

proprietary, or safeguards information so that it can be made available to the Public without redaction. The NRC also includes significant enforcement actions on its Web site at www.nrc.gov.

Please contact John Madera, Chief, Materials Inspection Branch, with any questions. Mr. Madera can be reached at telephone number (630) 829-9834.

Sincerely,

/RA by Mark A. Satorius Acting for/

James L. Caldwell
Regional Administrator

Docket No. 030-10856
License No. 13-16347-01

Enclosure:
Notice of Violation

FILE NAME: G:\EICS\ENFORCEMENT\Enforcement Cases 2007\CAL Testing (EA-07-191)\Cal Testing SLIII Nov.doc

■ Publicly Available □ Non-Publicly Available Sensitive ■ Non-Sensitive

To receive a copy of this document, indicate in the box: "C" = Copy w/o att/encl "E" = Copy w/att/encl "N" = No copy

| | | | | | | | | |
|--------|---------|---|----------------------|---|---------|---|-----------------------|---|
| OFFICE | RIII | E | RIII | E | RIII | N | RIII | N |
| NAME | Pelke | | O'Brien for Reynolds | | Heck | | Satorius for Caldwell | |
| DATE | 9/05/07 | | 9/06/07 | | 9/06/07 | | 9/07/07 | |

OFFICIAL RECORD COPY

Letter to Lawrence R. Kondrat from James L. Caldwell dated September 7, 2007

SUBJECT: NRC SPECIAL INSPECTION REPORT NO. 030-10856/2007-001(DNMS)
CAL TESTING SERVICES, INC.

DISTRIBUTION:

Docket File
ADAMS (PARS)
SECY
C. Carpenter, OE
N. Hilton, OE
S.Woods, OE
L. Sreenivas, OE
J. Caldwell, RIII
M. Satorius, RIII
B. Jones, OGC
C. Miller, FSME
M. Burgess, FSME
A. Tull, FSME
E. Brenner, OPA
H. Bell, OIG
D. Holody, RI
C. Evans, RII
J. Heck, RIII
K. Fuller, RIV
J. Madera, RIII
K. O'Brien, RIII
J. Strasma, RIII
V. Mitlyng, RIII
R. Lickus, RIII
S. Minnick, RIII
J. Lynch, RIII
P. Pelke, RIII
OEWEB
OEMAIL

NOTICE OF VIOLATION

Cal Testing Services, Inc.
Griffith, Indiana

Docket No. 030-10856
License No. 13-16347-01
EA-07-191

During an NRC inspection conducted on June 28, 2007, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 34.47(a) requires, in part, that the licensee may not permit any individual to act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, each individual wears, on the trunk of the body, a personnel dosimeter.

Contrary to the above, on April 19, 2007, a radiographer did not wear a personnel dosimeter on the trunk of the body, during radiographic operations. Specifically, the radiographer placed his personnel dosimeter into his coat pocket and subsequently removed his coat and left the coat (with dosimeter in the pocket) in the vicinity of the camera prior to radiographic operations.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to be taken to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report No. 030-10856/2007-001(DNMS) and your letter dated August 20, 2007. 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-07-0191," 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 and the Enforcement Officer, Region III, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document 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.

Dated this 7th day of September 2007.