



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION IV  
1600 E. LAMAR BLVD.  
ARLINGTON, TX 76011-4511

April 20, 2016

EA-15-258

Mr. David P. Tebo  
Radiation Safety Officer  
Team Industrial Services, Inc.  
200 Hermann Drive  
Alvin, TX 77511

SUBJECT: NRC INSPECTION REPORT 030-35252/2015-001 AND NOTICE OF VIOLATION

Dear Mr. Tebo:

This letter refers to the routine, unannounced inspection conducted on October 8 and 9, 2015, at your facilities located in Hammond and Crown Point, Indiana, and a temporary job site located in Hammond, Indiana. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the U.S. Nuclear Regulatory Commission's (NRC's) rules and regulations and with the conditions of your license. A final exit briefing was conducted telephonically with you and Mr. Earl Banfield, Corporate Radiation Safety Manager, on December 18, 2015.

Based on the results of this inspection, one apparent violation was identified. The apparent violation was described in the subject inspection report dated January 13, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession ML15362A655).

During the December 18, 2015, telephone call, members of my staff informed you that the NRC was considering escalated enforcement for an apparent violation of Title 10 of the *Code of Federal Regulations* (CFR) 34.47(a) involving the failure of two radiographers to wear alarm ratemeters while conducting radiographic operations. By letter dated December 18, 2015 (ML15362A654), you provided the NRC with a summary of your corrective actions.

In our January 13, 2016, letter transmitting the subject inspection report, we provided you with the opportunity to address the apparent violation by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. By letter dated February 12, 2016 (ML16048A304), you provided a written response in which you proposed to submit a letter to the NRC's Office of General Counsel requesting formal interpretation of 10 CFR 34.47 as it relates to the use of instrumentation such as the RadEye™. You indicated that after receiving the formal interpretation, you would provide a response to the apparent violation.

On February 23, 2016, my staff informed you that the NRC's position involving the apparent violation included consultation with the NRC's Office of General Counsel. My staff also informed you that if you wanted to request an exemption to 10 CFR 34.47 to use the RadEye™, you could submit a request to the NRC independent of the enforcement process. Finally, my staff informed you that additional information was necessary for us to make a final enforcement decision. You agreed to submit additional information to address the apparent violation.

On February 25, 2016, you submitted a second letter (ML16064A407) responding to the apparent violation and summarizing your corrective actions. In addition, you requested that the NRC assign a reduced severity level for the apparent violation because the technicians at the temporary jobsite wore personnel monitoring badges, carried and used a calibrated survey instrument, and wore calibrated operable RadEye™ devices, which were intended to effectively replace the direct reading dosimeter and alarm ratemeter required by NRC regulations. Your letter stated that although the RadEye™ was not authorized for use in multiple modalities at the time of the inspection, the device did perform the required function for both the direct reading dosimeter and alarm ratemeter.

Based on the information developed during the inspection, the information that you provided in your letters dated December 18, 2015, and February 25, 2016, and the several telephone conversations with you, 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 were described in detail in the subject inspection report.

The NRC considered your request for a reduced severity level for the violation. However, the NRC considers the failure to wear personnel monitoring in accordance with 10 CFR 34.47 a significant safety violation. The NRC requires a defense-in-depth approach for dosimetry in industrial radiographic operations and, because of the radiation hazards involved in these operations, considers any failure to comply with the dosimetry or survey requirements to merit consideration for escalated enforcement action. Although there were no actual consequences resulting from the failure to comply with the requirements in 10 CFR 34.47, there was a potential for significant exposures if the single device used during radiographic operations malfunctioned. 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 of \$7,000 is considered for a Severity Level III violation. Because the licensee has not been the subject of escalated enforcement actions within the last 2 years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy.

Based on the commitments the licensee made during the exit meeting and documented in the letter dated December 18, 2015, the NRC has concluded that corrective action credit is warranted. These commitments included immediately removing the RadEye™ devices from service and furnishing the crew with properly calibrated and operable pocket dosimeters and RA-500™ alarm ratemeters, as well as communicating company-wide the identified issue and that RadEye™ devices were not authorized for use in lieu of direct reading pocket dosimeters and alarm ratemeters.

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 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 Inspection Report 030-35252/2015-001 dated January 13, 2015, and the December 18, 2015, and February 25, 2016, letters from the licensee. 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 "Agency Rules of Practice and Procedure," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's 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 or proprietary 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/about-nrc/regulatory/enforcement/current.html>.

D. Tebo

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Should you have any questions regarding this letter or the enclosed Notice, please contact Mark Shaffer, Director, Division of Nuclear Materials Safety, at 817-200-1106.

Sincerely,

/RA/

Kriss M. Kennedy  
Deputy Regional Administrator

Docket: 030-35252  
License: 42-32219-01

Enclosure:  
Notice of Violation

cc:  
David Nauth, Director  
Medical Radiology Services  
Indiana State Department of Health  
2 North Meridian Street, 4S  
Indianapolis, IN 46204-3003

Richard A. Ratliff, PE, LMP  
Manager, Radiation Safety Licensing  
Branch (Radiation Program Director  
Department of State Health Services  
P. O. Box 149347  
Austin, TX 78714-9347

D. Tebo

- 3 -

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Manager, Radiation Safety Licensing  
Branch (Radiation Program Director  
Department of State Health Services  
P. O. Box 149347  
Austin, TX 78714-9347

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ADAMS ACCESSION NUMBER: **ML16112A130**

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DATE	03/28/16		04/11/16		4/20/16				

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Letter to David P. Tebo from Marc L. Dapas dated April 20, 2016.

SUBJECT: NRC INSPECTION REPORT 030-35252/2015-001 AND NOTICE OF VIOLATION

DISTRIBUTION:

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RIV ETA: Jeremy Bowen	Emily.Monteith@nrc.gov;	

## NOTICE OF VIOLATION

Team Industrial Services, Inc.  
Alvin, Texas

Docket No. 030-35252  
License No. 42-32219-01  
EA-15-258

During an NRC inspection conducted on October 8 and 9, 2015, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of 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 direct reading dosimeter, an operating alarm ratemeter, and a personnel dosimeter.

Contrary to the above, on October 8, 2015, the licensee permitted an individual to act as a radiographer or a radiographer's assistant without wearing on the trunk of the body, at all times during radiographic operations, a direct reading dosimeter, an operating alarm ratemeter, and a personnel dosimeter. Specifically, at a temporary job site in Hammond, Indiana, a radiographer and radiographer's assistant wore only a direct reading dosimeter and a personnel dosimeter and did not wear an operating alarm ratemeter while conducting radiography.

This is a Severity Level III Violation (Section 6.3.c.4).

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 NRC Inspection Report 030-35252/2015-001 dated January 13, 2015 (ML15362A655), and letters dated December 18, 2015 (ML15362A654), and February 25, 2016 (ML16064A407), from the licensee.

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-15-258," 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, Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511 within 30 days of the date of the letter transmitting this Notice of Violation (Notice). 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 or proprietary 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 2 working days of receipt.

Dated this 20th day of April 2016