



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION III  
2443 WARRENVILLE RD. SUITE 210  
LISLE, IL 60532-4352

EA-16-172

December 2, 2016

Mr. Brian Krueer  
Hartford Quality Assurance  
20 West 7th Street  
New Albany, IN 47150

SUBJECT: NOTICE OF VIOLATION – HARTFORD QUALITY ASSURANCE; NRC ROUTINE  
INSPECTION REPORT NO. 03037549/2016001(DNMS)

Dear Mr. Krueer:

This refers to the U.S. Nuclear Regulatory Commission (NRC) inspection conducted on June 17, 2016, at your New Albany, Indiana, facility, with continued in-office review through August 18, 2016. The purpose of the inspection was to review activities performed under your NRC license to ensure that those activities were being performed in accordance with NRC requirements. During the inspection, apparent violations of NRC requirements were identified. The circumstances surrounding the apparent violations, the significance of the issues, and the need for lasting and effective corrective actions were discussed with you during a telephone exit meeting on August 18, 2016. Details regarding the apparent violations were provided in NRC Inspection Report No. 03037549/2016001(DNMS), dated September 14, 2016.

In the letter transmitting the inspection report, we provided you with the opportunity to address the apparent violations 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 October 21, 2016, you provided a response to the apparent violations.

Based on the information developed during the inspection and the information that you provided in your response to the inspection report, dated October 21, 2016, the NRC has determined that three violations of NRC requirements occurred. The first violation was safety related and concerned the failure to wear at all times during radiographic operations, a direct reading dosimeter and an operating alarm rate meter as required by Title 10 *Code of Federal Regulations* (CFR) 34.47(a). This violation is cited in the enclosed Notice of Violation (Notice) (Enclosure 1) and the circumstances surrounding it are described in detail in the subject inspection report.

Enclosures 2 and 3 contain Sensitive Unclassified Non-Safeguards Information. When separated from Enclosures 2 and 3, this transmittal document and Enclosure 1 are decontrolled.

B. Krueer

- 2 -

The NRC considers the failure to wear personnel monitoring devices in accordance with 10 CFR 34.47(a) to be a significant safety violation. The agency requires a defense-in-depth approach for dosimetry in industrial radiographic operations due to the radiation hazards involved in these operations. The failure to wear an alarming ratemeter could result in a potential significant radiation exposure, since the device alarms to warn an individual of elevated radiation levels so the individual can leave the area. The failure to wear a direct reading dosimeter prevents immediate assessment of an individual's dose if the individual was exposed to high radiation levels. Therefore, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III.

The second and third violations are security-related violations. These violations are cited in the Notice of Violation in Enclosure 2 (Non-Public) and the circumstances surrounding them are described in detail in the non-public version of our inspection report, dated September 14, 2016. These violations are of concern to the NRC for the reasons stated in the Final Determination of Significance in Enclosure 3 (Non-Public). These violations have been categorized collectively, in accordance with the NRC Enforcement Policy, as a Severity Level III problem.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$14,000 is considered for each Severity Level III violation or problem. Because your facility has not been the subject of an escalated enforcement action 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 2.3.4 of the Enforcement Policy. In NRC Inspection Report No. 03037549/2016001(DNMS), the NRC described its understanding of the corrective actions taken to correct the violations. In your October 21, 2016, response, you described the corrective actions taken to correct the first violation and to prevent recurrence. These corrective actions included: (1) providing training to the employee who was not wearing dosimetry during the inspection on the importance of wearing personal monitoring devices; (2) providing all radiography personnel refresher training on the importance of wearing personal monitoring devices; (3) radiography personnel verifying that anyone in the radiation area has personal monitoring devices and double checking each other for compliance; and (4) providing radiography personnel inactive for 30 days a refresher course on personal radiation monitoring devices before being allowed back to work. Corrective actions for the second and third violations are documented in Enclosure 3. Based on these corrective actions, the NRC has determined that *Corrective Action* credit is warranted.

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 and Severity Level III problem constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC has concluded that information regarding: (1) the reason for the violations; (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 NRC Inspection Report No. 03037549/2016001(DNMS), dated September 14, 2016, in your letter, dated

B. Krueer

- 3 -

October 21, 2016, and 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. Additionally, if you choose to respond, please mark your entire response "Security Related Information – Withhold Under 10 CFR 2.390." In accordance with

10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for any response to this letter. However, to the extent possible, your response, if any, should not include any personal privacy, proprietary, or safeguards information.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and Enclosure 1 will be made available electronically for public inspection in the NRC Public Document Room or from 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>. However, because of the Security-Related Information contained in two of the enclosures, and in accordance with 10 CFR 2.390, copies of Enclosure 2 and 3 will not be available for public inspection.

Additionally, Enclosures 2 and 3 must be protected from unauthorized disclosure. Security-Related Information is discussed in Regulatory Information Summary RIS-2005-031, "Control of Security-Related Sensitive Unclassified Non-Safeguards Information" (ML053480073), which is available on the NRC Web site or in ADAMS.

Sincerely,

***/RA Darrell J. Roberts for/***

Cynthia D. Pederson  
Regional Administrator

Docket No. 030-37549  
License No. 13-32671-01

Enclosures:

1. Notice of Violation (Public)
2. Notice of Violation (Non-Public)
3. Final Determination of Significance (Non-Public)

cc w/encl 1: State of Indiana

B. Kruer

- 4 -

Letter to Brian Kruer from Cynthia D. Pederson dated December 2, 2016

SUBJECT: NOTICE OF VIOLATION – HARTFORD QUALITY ASSURANCE;  
NRC ROUTINE INSPECTION REPORT NO. 03037549/2016001(DNMS)

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1 OE concurrence provided via e-mail from Kerstun Norman on November 22, 2016.

NOTICE OF VIOLATION

Hartford Quality Assurance  
New Albany, Indiana

Docket No. 030-37549  
License No. 13-32671-01  
EA-16-172

During a U.S. Nuclear Regulatory Commission (NRC) inspection conducted on June 17, 2016, with continued in-office review through August 18, 2016, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 of the *Code of Federal Regulations* (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 June 17, 2016, the licensee permitted an individual to act as an assistant radiographer without wearing at all times during radiographic operations a direct reading dosimeter, an operating alarm ratemeter, and a personnel dosimeter.

This is a Severity Level III violation (Section 6.3).

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. 03037549/2016001(DNMS), the licensee's October 21, 2016 letter, and the letter transmitting this Notice of Violation (Notice). 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-16-172," 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 III, 2443 Warrenville Road, Suite 210, Lisle, IL 60532, within 30 days of the date of the letter transmitting this 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 in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at 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.

~~OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION~~

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

Dated this 2<sup>nd</sup> day of December 2016.

~~OFFICIAL USE ONLY – SECURITY-RELATED INFORMATION~~