



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION IV
1600 E. LAMAR BLVD.
ARLINGTON, TX 76011-4511

January 16, 2018

Mr. James Parker
Radiation Safety Officer
BJ Services, LLC
11211 FM 2920
Tomball, TX 77375

SUBJECT: NRC INSPECTION REPORT 030-19037/2017-001 AND NOTICE OF VIOLATION

Dear Mr. Parker:

This letter refers to the announced inspection conducted on November 15, 2017, at your facility in Tomball, Texas. The inspection was an examination of activities conducted under your license as they relate to public health and safety, to confirm compliance with the U.S. Nuclear Regulatory Commission's (NRC) rules, regulations, and with the conditions of your license. Within these areas, the inspection consisted of a selected examination of procedures and representative records, and interviews with personnel. The preliminary inspection findings were discussed with you at the conclusion of the onsite portion of the inspection on November 15, 2017. A final telephonic exit briefing was conducted with you on January 9, 2018.

Based on the results of this inspection, the NRC has determined that four Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy, which can be found at the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited and described in the enclosed Notice of Violation (Notice). The violations involved the failure to: 1) conduct an physical inventory every six months; 2) test the proper operation of the on-off mechanism (shutter) at intervals not to exceed six months; 3) conduct a public dose assessment; 4) prepare shipping papers in accordance with the requirements in Title 49 of the *Code of Federal Regulations* (CFR) Part 172 Subpart C.

Based on the results of this inspection, the NRC has also determined that one additional Severity Level IV violation of NRC requirements occurred. Because BJ Services, LLC identified and corrected this violation, and the violation is not repetitive, this violation is being treated as a Non-Cited Violation (NCV), consistent with Section 2.3.2 of the Enforcement Policy. The NCV involved the failure to register six generally licensed devices, each with 10 mCi of cesium-137, in accordance with 10 CFR 31.5(c)(13). If you contest the violation or significance of the NCV, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to: (1) the Regional Administrator, Region IV; and (2) the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The guidance in NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful in preparing your response. You can find the Information Notice on the

NRC website at: <http://pbadupws.nrc.gov/docs/ML0612/ML061240509.pdf>. Information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be (was) achieved should be addressed. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

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).

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, 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>.

Should you have any questions regarding this letter or the enclosed Notice, please contact Jason vonEhr at 817-200-1186, or the undersigned at 817-200-1182.

Sincerely,

/RA by LLHowell Acting For/

Michael C. Hay, Chief
Materials Licensing and Inspection Branch
Division of Nuclear Materials Safety

Docket: 030-19037
License: 42-19649-01

Enclosure:
Notice of Violation (Notice)

cc: C. Sullivan, Regulatory Licensing Unit Manager
Texas Dept. of State Health Services

NRC INSPECTION REPORT 030-19037/2017-001 - DATED JANUARY 16, 2018

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NOTICE OF VIOLATION

BJ Services, LLC
Tomball, TX

Docket No. 030-19037
License No. 42-19649-01

During an NRC inspection conducted on November 15, 2017, four violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A) License Condition 17 of NRC License 42-19649-01, Amendment No. 25, dated April 26, 2017, requires, in part, that the licensee conduct a physical inventory every 6 months to account for all sealed sources and/or devices received and possessed under the license.

Contrary to the above, from December 31, 2016 through November 15, 2017, the licensee failed to conduct a physical inventory every six months to account for all sealed sources and/or devices received and possessed under the license. Specifically, from initial acquisition on December 31, 2016, by BJ Services, LLC, through the date of the inspection, the licensee failed to inventory sealed sources and/or devices possessed at the Cheyenne, Wyoming field office.

This is a Severity Level IV violation (Section 6.3.d)

- B) License Condition 18 of NRC License 42-19649-01, Amendment No. 25, dated April 26, 2017, requires, in part, that the licensee test for the proper operation of the on-off mechanism (shutter) and indicator, if any, at intervals not to exceed 6 months.

Contrary to the above, from December 31, 2016 through November 15, 2017, the licensee failed to test for the proper operation of the on-off mechanism (shutter) and indicator, if any, at intervals not to exceed 6 months. Specifically, from initial acquisition on December 31, 2016, by BJ Services, LLC, through the date of the inspection, the licensee failed to test the on-off mechanism (shutter) and indicator on applicable fixed gauges in use at the Cheyenne, Wyoming field office.

This is a Severity Level IV violation (Section 6.3.d)

- C) 10 CFR 20.1302(a) requires the licensee to make or cause to be made, as appropriate, surveys of radiation levels in unrestricted and controlled areas to demonstrate compliance with the dose limits for individuals members of the public in 10 CFR 20.1301.

Pursuant to 10 CFR 20.1003, *Survey* means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation.

Contrary to the above, from December 31, 2016 through November 15, 2017, the licensee failed to make or cause to be made, as appropriate, surveys of radiation levels in unrestricted and controlled areas to demonstrate compliance with the dose limits for individuals members of the public in 10 CFR 20.1301. Specifically, from initial acquisition on December 31, 2016, by BJ Services, LLC, through the date of the inspection, the licensee failed to evaluate the radiation levels in unrestricted and controlled areas at its Cheyenne, Wyoming field office to demonstrate compliance with public dose limits for members of the public.

Enclosure

This is a Severity Level IV violation (Section 6.3.d)

- D) 49 CFR 172.200(a) requires that each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner required in 49 CFR 172 Subpart C.

49 CFR 172.202(a)(5) and (a)(7) require, in part, that the shipping description of a hazardous material on the shipping paper must include the total quantity of hazardous material covered by the description by activity for Class 7 materials, and must include an indication of the applicable unit of measurement; and the number and type of packages. The type of package must be indicated by description of the package.

49 CFR 172.203(d)(3), (d)(4), and (d)(5) requires, in part, that the description for a shipment of a Class 7 (radioactive) material must include the following additional entries: the maximum activity of the radioactive contents contained in each package during transport in terms of the appropriate SI units; the category of label applied to each package in the shipment. For example: "RADIOACTIVE WHITE-I," or "WHITE-I," and the transport index assigned to each package in the shipment bearing RADIOACTIVE YELLOW-II or RADIOACTIVE YELLOW-III labels.

Pursuant to 49 CFR 173.403, *Transport Index* means the dimensionless number (rounded up to the next tenth) placed on the label of a package, to designate the degree of control to be exercised by the carrier during transportation. The transport index is determined by multiplying the maximum radiation level in millisieverts (mSv) per hour at 1 m (3.3 ft) from the external surface of the package by 100 (equivalent to the maximum radiation level in millirem per hour at 1 m (3.3 ft)).

Contrary to the above, on numerous occasions between December 31, 2016 and November 15, 2017, the licensee transported Class 7 (radioactive) material by highway and had not described the Class 7 (radioactive) material on the shipping paper in the manner required by 49 CFR Part 172 Subpart C. Specifically, the licensee, on numerous occasions between December 31, 2016 and November 15, 2017, transported radioactive material by highway with shipping papers that were partially filled out, in various and inconsistent fashion, and were thus missing the above descriptions and contents as specified in 49 CFR Part 172 Subpart C.

This is a Severity Level IV violation (Section 6.8.d)

Pursuant to the provisions of 10 CFR 2.201, BJ Services, LLC, is hereby required to submit a written statement or explanation 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 E. Lamar Blvd., Arlington, Texas 76011, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violations, or, if contested, the basis for disputing the violations or severity level; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued requiring information as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

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.

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>. 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, then 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 material, 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).

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

Dated this January 16, 2018.