



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

September 6, 2019

EA-19-027

Chad M. Riley, CEO
Thrasher Engineering, Inc.
600 White Oaks Blvd.
Bridgeport, WV 26330

SUBJECT: NRC INSPECTION REPORT NO. 03020231/2019001, THRASHER
ENGINEERING, INC., BRIDGEPORT AND CLARKSBURG, WEST VIRGINIA
AND NOTICE OF VIOLATION

Dear Mr. Riley:

On March 21, 2019, Leonardo Wardrobe of this office conducted a safety inspection of Thrasher Engineering, Inc. (Thrasher) at the above address, Thrasher's storage facility located in Clarksburg, West Virginia and at a temporary jobsite, of activities authorized by the listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selective examination of representative records. Additional information provided in your correspondence dated April 3, 2019, was also examined as part of the inspection. The findings of the inspection were discussed with Wade Naylor and Robert Kelley of your organization at the conclusion of the inspection on July 29, 2019.

Based on the results of this inspection, the NRC has determined that three Severity Level IV (SL IV) violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

The first violation involved the failure to have a minimum of two independent physical controls that form tangible barriers to prevent unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee, as required by Title 10 of the Code of Federal Regulations (10 CFR) 30.34(i). A Severity Level IV violation was assessed in accordance with the NRC Enforcement Policy. NRC did observe that a violation of 30.34(i) was identified during the previous 2016 inspection. Future violations of 30.34(i) may result in additional enforcement.

The second violation involved the failure to limit possession of licensed materials as authorized to the quantities specified in item 8 of the license. Specifically, the licensee's possession of Americium-241 was 88 millicuries greater than the license authorization. In accordance with the NRC Enforcement Policy, the NRC assessed a Severity Level IV violation. Similar violations of this type in the future may result in additional enforcement action.

The third violation involved the failure to have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position when

the gauge or its container was in storage and not under the direct surveillance of an authorized user as described in item 16 of the license. A Severity Level IV violation was assessed in accordance with the NRC Enforcement Policy.

The above violations are cited in the enclosed Notice of Violation (Notice). You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

If you contest the violations you should provide a response within 30 days of the date of this letter, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to the Regional Administrator, Region I; and the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," 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>. 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 Security Related Information is necessary to provide an acceptable response, please mark your entire response Security-Related Information in accordance with 10 CFR 2.390(d)(1) and follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

C. Riley

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If you have any questions regarding this matter, please contact Leonardo Wardrobe of my staff at (610) 337-5171 or via electronic mail at leonardo.wardrobe@nrc.gov.

Thank you for your cooperation.

Sincerely,

9/6/2019

X 

Anne DeFrancisco

Signed by: Anne E. DeFrancisco

Anne DeFrancisco, Acting Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Nuclear Materials Safety
Region I

Docket No. 03020231
License No. 47-23065-01

Enclosure: Notice of Violation

Cc w/Encl: Wade Naylor, Radiation Safety Officer
State of West Virginia

NRC INSPECTION REPORT NO. 03020231/2019001, THRASHER ENGINEERING, INC.,
BRIDGEPORT AND CLARKSBURG, WEST VIRGINIA, DATED September 6, 2019

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NOTICE OF VIOLATION

Thrasher Engineering, Inc.
Bridgeport, West Virginia

Docket No. 03020231
License No. 47-23065-01
EA-19-027

During an NRC inspection conducted on March 21, 2019 with in office review through July 29, 2019, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

A. 10 CFR 30.34(i) requires each portable gauge licensee to use a minimum of two independent physical controls that form tangible barriers to prevent unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, on March 21, 2019, the licensee failed to use a minimum of two independent physical controls that form tangible barriers to prevent unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee. Specifically, a portable gauge, containing approximately 8 mCi of Cs-137 and 44 mCi of Am-241, was secured with only one independent physical control that formed a tangible barrier to prevent unauthorized removal of the gauge while in the back of the licensee's truck and the gauge was not under control or constant surveillance of the licensee.

This is a Severity Level IV Violation (Enforcement Policy 6.3)

B. License Condition 8 of NRC License No. 47-23065-01, specifies that the maximum sealed source activity the licensee was authorized to possess.

Contrary to the above, from June 25, 2018, through April 8, 2019, the licensee failed to limit its possession of licensed materials as authorized to the quantities specified in item 8 of the license. Specifically, the licensee's possession of Americium-241 was 88 millicuries greater than the license authorization.

This is a Severity Level IV Violation (Enforcement Policy 6.3)

C. License Condition 16 of NRC License No. 47-23065-01, states that each portable nuclear gauge shall have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport or storage, or when not under the direct surveillance of an authorized user.

Contrary to the above, on March 21, 2019, the licensee failed to have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position when the gauge or its container was in storage and not under the direct surveillance of an authorized user. Specifically, on March 21, 2019, seven gauges were in storage and failed to have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position and the gauges were not under the direct surveillance of an authorized user.

Enclosure

This is a Severity Level IV Violation (Enforcement Policy 6.3)

Pursuant to the provisions of 10 CFR 2.201, Thrasher Engineering, Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, 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 for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, 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 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 to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or security-related information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated This 6th day of September 2019