



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

January 23, 2020

EA-19-136

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

SUBJECT: NRC INSPECTION REPORT NO. 03020231/2019002, THRASHER
ENGINEERING, INC.

Dear Mr. Riley:

On October 29, 2019, Leonardo Wardrobe of this office conducted an unannounced, limited scope inspection at Coalfields Expressway Construction Site, a temporary jobsite located in West Virginia, with continued in-office review through January 10, 2020. 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 conditions in your license. The enclosed inspection report presents the results of this inspection. An exit briefing was conducted (telephonically) with Wade Naylor and Robert Kelly of your staff on January 10, 2020.

While performing a temporary jobsite inspection of another portable gauge licensee, the inspector observed a Thrasher Engineering, Inc. (Thrasher) work truck with a portable gauge in the bed of the truck. The inspector observed that the portable gauge was not properly secured (In accordance with Title 10 of the Code of Federal Regulations (10 CFR), Section 30.34(i)), and the portable gauge user was not in the immediate area (details are in the inspection report).

Based on the results of this inspection, an apparent violation was identified and is being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation was related to Thrasher's failure to secure a portable gauge as required by 10 CFR 30.34(i). We noted that you took immediate corrective actions to comply with NRC requirements. However, because this is a repeat violation and NRC is not aware of your long-term corrective actions to prevent reoccurrence, the enforcement action could include a proposed civil penalty in an amount up to \$15,000. Since the NRC has not made a final determination, a Notice of Violation is not being issued at this time. Please be advised that the number and characterization of the apparent violation described herein may change as a result of further NRC review.

Before the NRC makes its enforcement decision regarding the apparent violation we are providing you an opportunity to: (1) respond to the apparent violation addressed in this inspection report within 30 days of the date of this letter, (2) request a Pre-decisional Enforcement Conference (PEC), or (3) request Alternative Dispute Resolution (ADR). If you choose to provide a written response, it should include: (1) the reasons for the apparent

violation or, if contested, the basis for disputing the apparent violation; (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. You should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalties for the apparent violation. The guidance in the enclosed excerpt from NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful.

The written response should be sent to the NRC within 30 days of the date of this letter. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. You should clearly mark the response as a "Response to an Apparent Violation in NRC Inspection Report (03020231/2019002); EA-19-136," 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, NRC Region I, 2100 Renaissance Boulevard, Suite 100, King of Prussia, PA 19406. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision.

If you choose to request a PEC, the meeting will be held in our office in King of Prussia, PA, within 30 days of the date of this letter. The conference will include an opportunity for you to provide your perspective on these matters and any other information that you believe the NRC should take into consideration before making an enforcement decision. The topics discussed during the PEC may include information to determine whether a violation occurred, information to determine the significance of a violation, information related to the identification of a violation, and information related to any corrective actions taken or planned. The PEC would be open for public observation, and the NRC would issue a press release to announce the conference time and date.

In lieu of a PEC, you may also request ADR with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts using a neutral third party. The technique that the NRC has decided to employ is mediation; a voluntary, informal process in which a trained neutral mediator works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives parties an opportunity to discuss issues, clear up misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC ADR program can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC program as a neutral third party. Please contact ICR at 877-733-9415 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through ADR. The ADR mediation session will be held in our office in King of Prussia within 45 days of the date of this letter. Please contact Christopher Cahill, Chief, Commercial, Industrial, R&D, and Academic Branch, NRC Region I, at 610-337-5108 within 10 days of the date of this letter to notify the NRC which of the above options you choose.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be made available electronically for public inspection in the NRC Public

Document Room and from the NRC Agency-wide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-material-rm/adams.html>.

Sincerely,

/RA/

James M. Trapp, Director
Division of Nuclear Materials Safety

Enclosures:

1. NRC Inspection Report No. 03020231/2019002
2. NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action"

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

cc w/Encls: Wade Naylor, Radiation Safety Officer

cc w/o Encls: State of West Virginia

SUBJECT: THRASHER ENGINEERING, INC. – NRC INSPECTION REPORT NO.
03020231/2019002 DATED JANUARY 23, 2020

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U.S. NUCLEAR REGULATORY COMMISSION
REGION I

INSPECTION REPORT

Inspection No. 03020231/2019002

EA: EA-19-136

Docket No. 03020231

License No. 47-23065-01

Licensee: Thrasher Engineering, Inc.

Location: 600 White Oaks Blvd
Bridgeport, WV 26330

Inspection Locations: Coalfields Expressway Construction Site
GPS location 37.69441, -81.30825, WV

Inspection Dates: October 29, 2019 with continued in-office review thru
January 10, 2020

Inspector:	/RA/	01/13/2020
	_____ Leonardo Wardrobe, Health Physicist Commercial, Industrial, R&D, and Academic Branch Division of Nuclear Materials Safety, Region I	_____ date
Approved By:	/RA/	01/16/2020
	_____ Christopher Cahill, Chief Commercial, Industrial, R&D, and Academic Branch Division of Nuclear Materials Safety, Region I	_____ date

EXECUTIVE SUMMARY

Thrasher Engineering, Inc.

Thrasher Engineering, Inc. (Thrasher) is an engineering firm licensed for use of portable gauges (PG) (sealed sources of byproduct material, Cs-137 and Am-241/Be) in NRC jurisdiction. The licensee has one storage location in NRC jurisdiction and the corporate office is located in Bridgeport, West Virginia.

A routine inspection was conducted on March 21, 2019 and three Severity Level (SL) IV violations were identified (ML19347B302) and cited. The violations involved:

1. A portable gauge in the back of the licensee's pickup truck had only one tangible barrier to prevent unauthorized access to the portable gauge and the portable gauge was not under the possession or constant surveillance of the licensee (10 CFR 30.34(i)).
2. Licensee possessed more radioactive material than allowed on license (Specifically, the licensee's possession of Am-241/Be was 88 millicuries greater than the license authorization (License Condition 8A).).
3. 7 portable gauges in the licensee's permanent storage location failed to have trigger locks on the portable gauge or locked outer containers when the portable gauges were in storage (License Condition 16).

On October 29, 2019, during a temporary jobsite inspection (TJS) of another NRC PG licensee, the inspector observed a Thrasher work truck with a PG in the bed of the truck. The inspector observed that the PG in the Thrasher work truck was not secured properly in accordance with 10 CFR 30.34(i). The inspector immediately contacted Thrasher's PG user and he proceeded to properly secure the PG in accordance with NRC regulations. This was a repeat violation of the inspection performed on March 21, 2019.

REPORT DETAILS

I. Organization and Scope of the Program

a. Inspection Scope

The licensee is authorized to possess, use and store PGs in NRC jurisdiction. This was an unannounced, limited scope inspection conducted at a temporary jobsite in West Virginia (WV). The licensee had a routine inspection conducted on March 21, 2019 (ML19347B302).

b. Observations and Findings

The licensee had a full, routine inspection conducted March 21, 2019, that reviewed the organization and scope of the licensee's program.

c. Conclusions

No violations of NRC requirements were noted in regard to the licensee's organization and scope of the program.

II. Program Inspection (Inspection Procedure (87124))

a. Inspection Scope

Due to time constraints while performing a TJS and office inspection of another NRC licensee, the inspector performed a limited scope inspection of Thrasher at the above TJS. The inspector only reviewed marking/labeling of the PG case and security of the PG.

b. Observations and Findings

While performing a TJS inspection of another NRC licensee, the inspector observed a Thrasher truck with a PG in the bed of the truck. The inspector noted that the PG had only one independent physical control that formed a tangible barrier to secure the PG from unauthorized removal and the PG was not under the control and constant surveillance of the licensee. The PG user was in the construction trailer next to his truck. The inspector immediately informed Thrasher Engineering's PG user of this issue and the PG user promptly corrected the issue. While the PG user was correctly securing the PG, the inspector reviewed the marking/labeling of the gauge case; no issues were identified regarding the marking and labeling of the PG case.

c. Conclusions

Based on the results of the inspection, one apparent violation of NRC requirements was identified:

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

Contrary to the above, on October 29, 2019, Thrasher failed to use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever the portable gauges were not under the control and constant surveillance of the licensee. Specifically, a portable gauge was secured in the back of a Thrasher truck, with a locked chain on each side of the portable gauge case that secured the case to the truck and only a single locked hasp on the case containing the portable gauge. Therefore, there was only one physical control that formed a tangible barrier to secure the portable gauge in the case from unauthorized removal. At the time, the authorized user was inside a construction site office/break trailer and failed to maintain control and constant surveillance of the gauge.

This is a Severity Level III violation (Enforcement Policy Section 6.3)

This was a repeat violation from a previous inspection conducted on March 19, 2019.

III. Authorized Use of Material

a. Inspection Scope

The inspector reviewed the licensee's NRC license and confirmed that the licensee was authorized to use PGs at TJSs in NRC jurisdiction.

b. Observations and Findings

Thrasher is an engineering firm licensed for use of portable gauges (sealed sources of byproduct material, Cs-137 and Am-241/Be) in NRC jurisdiction. The PG that was in the licensee's truck is the same type as authorized/listed on their license.

c. Conclusions

No violations were identified in regards to authorized use of material.

IV. Exit Meeting

On January 10, 2020, an exit briefing was held by telephone with Wade Naylor, and Robert Kelley. The inspector summarized the inspection findings and observations, indicating that one apparent violation was identified and that a choice letter would be transmitted.

PARTIAL LIST OF PERSONS CONTACTED

Licensee

*Wade Naylor – RSO

*Robert Kelley – ARSO/Lab Supervisor

Jamie Westfall – Portable Gauge User

* Individuals present at exit briefing conducted by telephone on January 10, 2019

INSPECTION PROCEDURE USED

IP 87124, “Fixed and Portable Gauge Programs”