



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

January 28, 2020

EA-19-140

Peter Branch
President/Radiation Safety Officer
Branch Radiographic Laboratories, Inc.
32 South Avenue West
Cranford, NJ 07016

SUBJECT: BRANCH RADIOGRAPHIC LABORATORIES, INC. - NRC INSPECTION NO.
03005291/2019001 AND NOTICE OF VIOLATION

Dear Mr. Branch:

This letter refers to the inspection conducted on September 5, 2019, at the Branch Radiographic Laboratories, Inc. (Branch Laboratories) Carney's Point, New Jersey facility and a temporary job site located at 1901 Ogeltown Road, Newark, Delaware with continuing in-office review through January 28, 2020. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. An exit meeting was conducted by telephone on January 28, 2020, between you and members of my staff to discuss the results of the inspection.

Based on the results of this inspection, the NRC has determined that a Severity Level IV (SL IV) violation of NRC requirements occurred. The violation was 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 violation is cited in the enclosed Notice of Violation (Notice) because the violation was identified by the NRC. The violation involved the failure by a Branch Laboratories radiographer to wear all three forms of personnel monitoring devices required by Title 10 of the *Code of Federal Regulations* (10 CFR) Part 34.47(a). Specifically, the radiographer conducted radiographic operations at a temporary jobsite on May 10, 2019, while equipped with only one device. Although this violation would normally be considered for escalated enforcement action, the NRC determined that, based on the specific circumstances of the event, the violation is more appropriately assessed at SL IV. The factors considered included: (1) the radiographer was made aware of the missing devices by his client before commencing operations and, as a result, remained outside of the radiation boundary during operations and, instead, provided direct oversight to the assistant radiographer operating the camera; (2) the radiographer was wearing an alarming ratemeter which would have provided real-time notification if the radiographer was in a high radiation field; (3) no events occurred that required the radiographer to enter the radiation boundary while the source was exposed; (4) the assistant radiographer wore all three forms of monitoring devices, which could have allowed for dose reconstruction should the radiographer have been required to enter the radiation boundary; and, (5) the issue was reported to NRC staff by Branch Laboratories.

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.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document 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, proprietary, or safeguards information so that it can be made available to the Public without redaction.

If you have any questions regarding this matter, please contact Steven Courtemanche of my staff at (610) 337-5075 or via electronic mail at Steven.Courtemanche@nrc.gov.

Thank you for your cooperation.

Sincerely,

/RA/

Christopher Cahill, Chief
Commercial, Industrial, R&D,
and Academic Branch
Division of Nuclear Materials Safety
Region I

Docket No. 03005291
License No. 29-03405-02

Enclosure:
Notice of Violation

cc w/ enclosure:
Peter Branch, President/RSO
William Branch, Site RSO
State of Delaware
State of New Jersey

BRANCH RADIOGRAPHIC LABORATORIES, INC. - NRC INSPECTION NO.
03005291/2019001 AND NOTICE OF VIOLATION DATED JANUARY 28, 2020

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OE, Region I

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DATE	01/28/2020	01/28/2020	01/27/2020	01/15/2020	01/28/2020

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NOTICE OF VIOLATION

Branch Radiographic Laboratories, Inc.
Cranford, New Jersey

Docket No. 03005291
License No. 29-03405-02

During an NRC inspection conducted on September 5 and 12, 2019, with continuing in-office review through January 28, 2020, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 34.47(a) requires, in part, that the licensee may not permit any individual to act as a radiographer 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 that is processed and evaluated by an accredited National Voluntary Laboratory Accredited Program processor.

Contrary to the above, on May 10, 2019, the licensee permitted an individual to act as a radiographer and the individual, at all times, during radiographic operations, failed to wear, on the trunk of the body, a direct reading dosimeter and a personnel dosimeter that was processed and evaluated by an accredited National Voluntary Laboratory Accredited Program processor. Specifically, the individual had left the required equipment at the licensee's home office and acted as a radiographer without the required equipment.

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

Pursuant to the provisions of 10 CFR 2.201, Branch Radiographic Laboratories, 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 (03005291/2019001)" 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 safeguards 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 28th day of January 2020