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CONSOLIDATED NDE, INC.

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December 02, 1992

US Nuclear Regulatory Commission
Region 1
475 Allendale Road
King of Prussia, PA 19406

Attention: Francis M. Costello, Chief
Industrial Applications Section
Division of Radiation Safety
and Safeguards

Subject: Routine Inspection No. 92-002

Reference: Docket No. 030-20787
License No. 29-21452-01

Gentlemen:

Response to a "Notice of Violation" dated November 17, 1992.

Violation of: May 2, 1990 Order and 10 CFR 20.203(b)

Since the two requirements are similar in intent and the "Notice of Violation" was issued for the same incident, the corrective actions cover both items of noncompliance.

1. IMMEDIATE CORRECTIVE ACTION

Consolidated NDE, Inc. was informed of the inspection and apparent noncompliance by NRC personnel on October 2, 1992. The Radiation Safety Officer went directly to the job location that afternoon, to personally review the site conditions and speak with the radiography personnel involved in the incident. The radiography personnel involved were reinstructed to use ropes and conspicuously post signs around the entire restricted area. The operations were thereafter in compliance.

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OFFICES: Atlanta Ga., Charlotte, N.C., Clarksburg, W. Va., E. Hampton, Conn.

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2. FUTURE CORRECTIVE ACTION

After careful consideration of the circumstances and explanations given by the personnel involved, CNDE Radiation Safety Management reached a unanimous decision. The lead radiographer was replaced on the morning of October 8, 1992 and discharged for just cause, including giving an inadequate justification for his performance. The secondary radiographer received a probationary warning and was reinstructed in the procedures that must be followed to insure compliance with the regulations. He was also given an on-the-job evaluation to verify his competence to properly carry out these procedures and his performance was satisfactory.

A CNDE memo (enclosed), was drafted and is in the process of being delivered to all former and present CNDE radiography personnel on the payroll during 1992. The memo puts into writing the ongoing conversations that Radiation Safety Management has held since the incident. The memo specifically describes the circumstances surrounding the violations, the specific regulations and stated company policy, and the absolute necessity for complete cooperation from all radiography personnel, so that CNDE is in compliance in all future instances.

A formal review of the incident, including the referenced memo shall be included in the periodic training scheduled for all radiography personnel in January of 1993. Any radiography personnel hired or rehired during 1993 shall receive this training prior to performing any radiography operations. The periodic training subjects and dates shall be documented and the records retained for three years for review.

3. DATE OF FULL COMPLIANCE

The periodic training of current radiography personnel shall be completed by the end of January 1993. All other radiography personnel shall receive this periodic training at the time of their hire or rehire.

4. ADDITIONAL COMMENTS

During 1992 Region 1 conducted six unannounced inspections of job sites, where radiography was being performed by CNDE. This single inspection was the only instance where a "Notice of Violation" was issued. Continuing unannounced field inspections by Radiation Safety Management have shown no similar incidents.



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CNDE Safety Management has had numerous formal and informal conversations with all radiography personnel regarding the mandatory use of ropes, required by the May 2, 1990 Modification Order. These sessions have intensified since the items of noncompliance were identified during the October 1, 1992 field inspection. Due to these interactions with the radiography personnel, the genuine concern they have voiced regarding this incident, and the prior field inspections, it is the belief of CNDE that this was an isolated incident.

The radiographer has been denied immediate unemployment benefits. A state agency came to the same conclusion that CNDE used to justify his discharge. The division of unemployment determined that his actions were willful and deliberate in failing to follow safety procedures and showed a disregard for the standards of behavior that CNDE has a right to expect. The discharge of the radiographer and the ensuing repercussions to all concerned, have sent a distinct and forceful message that decisive measures shall be taken when radiography personnel violate the regulations in this manner. CNDE is confident that it is able to impart the proper attitude, implement the radiation safety program, and supervise the related activities, to assure future regulatory compliance to the satisfaction of the Commission.

Respectfully submitted,

Bruce R. Ballard
Radiation Safety Officer

BRB/bb

ENC: Employee Memo



MEMO - #003/RM1192

TO: ALL CNDE RADIOGRAPHERS

FROM: BRUCE R. BALLARD

RE: ROUTINE FIELD INSPECTION BY NRC

DATE: NOVEMBER 27, 1992

The NRC in Region 1 has issued a formal "Notice of Violation" regarding an inspection conducted by the Commission on October 1, 1992. This memo is written confirmation of previous and ongoing conversations CNDE Radiation Safety Management has engaged in concerning the details and ramifications of this incident.

As expected, in substance the two violations state that:

- contrary to license conditions and regulations the restricted area around a temporary job site in Marcus Hook, PA was not roped off or conspicuously posted with a sign or signs around the entire job site as required.

The severity of the penalty was increased and the radiographer discharged because of the repetitive nature of the violation and other circumstances surrounding the incident. The same radiographer was in charge at one of the two job sites inspected by the NRC in 1990. These previous field inspections identified several violations, including inadequate posting. These violations directly led to the enforcement action that currently modifies license conditions, including the use of rope boundaries at all temporary job sites.

The other circumstances included careless disregard. As had all personnel, the radiographer had been repeatedly instructed to use ropes at all times and to contact management for guidance if there were any unusual or unsafe conditions. The radiographer did not contact CNDE and made his own judgement that ropes did not have to be used. He also took it upon himself to tell another crew at the job site to post their restricted area in a manner similar to his. Fortunately, the second crew did not follow this advice and properly roped off their area.

CNDE is required to respond to the "Notice of Violation" and include the corrective steps which will be taken to avoid further violations. The most important factor in preventing any future violations is the complete cooperation of all personnel in following the instructions you have received past, present, and future. To repeat these instructions:

**IN ADDITION TO BEING POSTED, ALL RESTRICTED AREAS MUST BE ROPED OFF.
IF THERE ARE ANY UNUSUAL OR UNSAFE CONDITIONS YOU MUST CONTACT CNDE
SAFETY MANAGEMENT FOR INSTRUCTIONS BEFORE THE START OF RADIOGRAPHY.**

MEMO - #003/RM1192 ---> Cut Along Dotted Line and Return This Portion.

Print Name

Sign Name

Date