

UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of

PITTSBURGH TESTING LABORATORY
850 Poplar Street
Pittsburgh, Pennsylvania

}
}
}
}
Docket No. 30-05985
License No. 37-00276-25
EA 85-57

ORDER TO SHOW CAUSE WHY LICENSE SHOULD NOT BE SUSPENDED AND MODIFIED
(IMMEDIATELY EFFECTIVE)

I

Pittsburgh Testing Laboratory, 850 Poplar Street, Pittsburgh, Pennsylvania (the "licensee") is the holder of specific byproduct material License No. 37-00276-25 (the "license") issued by the Nuclear Regulatory Commission (the "Commission" or the "NRC") pursuant to 10 CFR Parts 30 and 34. The license authorizes the use of byproduct material for the conduct of industrial radiography and related activities and is due to expire on May 31, 1986.

II

On August 27 and 29-31, 1984, an NRC inspection was conducted at the licensee's facilities in Cleveland, Ohio, and Pittsburgh, Pennsylvania. During the inspection, several violations of NRC requirements were identified. On February 26, 1985, an Enforcement Conference was conducted with the licensee to discuss the violations. These violations are currently under review by the Commission for appropriate enforcement action. As a result of investigations to date, the NRC has established that two individuals were permitted to act as radiographers in the performance of licensed radiography activities in February, March, and August 1984, even though the individuals had not been certified by the licensee in accordance with the licensee's procedures and 10 CFR Part 34.

8506030494 850529
IE LIC30
37-00276-25 PDR

Specifically, on May 15, 1985, during an interview conducted under oath by the NRC Office of Investigations (OI) with Mr. Richard D. Biasella, District Manager and Radiation Safety Officer (DM/RSO) for the Cleveland facility, the following was established:

- (1) The DM/RSO for the Cleveland facility assigned an individual he knew was not certified in accordance with the licensee's procedures and 10 CFR Part 34 to perform licensed radiography activities at a field site in Ravenna, Ohio during February and March 1984. In addition, on August 1, 1984, he assigned another individual he knew was not certified in accordance with the licensee's procedures and 10 CFR Part 34 to perform licensed activities at a field site in Warren, Ohio. The latter individual had only been employed since July 30, 1984 with no previous radiographic experience. Further, this individual was given the licensee's written radiographer's assistant examination on July 30, 1984. Subsequently, it was determined that this individual failed the examination.
- (2) The DM/RSO gave false information to an NRC inspector during the August 1984 inspection when, in response to questions regarding the activities of an uncertified radiographer, he informed the inspector that the individual in question had never performed duties as a radiographer and had only assisted a certified radiographer on August 2, 1984. In fact, the DM/RSO had assigned the individual to perform the duties of a radiographer on August 1, 1984, and was aware that the individual had conducted an independent radiographic examination on that date and that no certified radiographer was present at the time the examination was performed.

- (3) The DM/RSO falsified the training records of the individual who performed licensed radiography activities in February and March 1984, so as to indicate that the individual had received the required training.
- (4) The DM/RSO told an NRC inspector during the August 1984 inspection that radiography had never been performed on the grounds of the licensee's Cleveland, Ohio facility, when, in fact, he knew that radiography had been performed on the grounds of the licensee's Cleveland facility during the spring of 1984.

III

In order that radiography does not create a radiation hazard to the radiographer, other workers and members of the public, radiographers must be trained and knowledgeable, and must adhere strictly to radiation safety requirements. 10 CFR Part 34 of the Commission's regulations establishes radiation safety requirements for radiography including specific training, testing, and documentation requirements for individuals performing radiographic operations. In violation of these requirements, including 10 CFR 34.31, the DM/RSO deliberately assigned uncertified individuals to perform radiographic operations. These actions, as well as his subsequent lack of candor with NRC inspectors, demonstrate that there is no longer reasonable assurance that the licensee will comply with Commission requirements while Mr. Biasella is the Radiation Safety Officer at the Cleveland facility. In addition, these actions raise substantial questions regarding whether Mr. Biasella would comply with Commission requirements in the performance or supervision of any licensed activities. Therefore, I am ordering: (1) the removal of Mr. Biasella

from the position of Radiation Safety Officer of the Cleveland facility and from all involvement in the performance or supervision of NRC licensed activities; and (2) the suspension of all licensed activities at the Cleveland facility until the licensee can demonstrate that a qualified individual has been appointed as the Radiation Safety Officer, and authorized by the NRC, to oversee licensed activities at the Cleveland facility. In view of the potential for serious adverse effects to the health and safety of the public from the use of uncertified individuals to perform licensed radiography activities and in view of Mr. Biasella's willingness to use such individuals, I have determined pursuant to 10 CFR 2.202(f) that the public health and safety require that these actions be immediately effective.

IV

Accordingly, pursuant to Sections 81, 161(b), 161(i), 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Parts 30 and 34, IT IS HEREBY ORDERED THAT EFFECTIVE IMMEDIATELY:

- A. License No. 37-00276-25 is amended by adding the following condition:

Mr. Richard D. Biasella shall not serve as a Radiation Safety Officer or in any other position involving the performance or supervision of any licensed activities including the supervision of any Radiation Safety Officer.

- B. All licensed activities at, or originating from, the licensee's Cleveland, Ohio facility are suspended until such time as:

1. A qualified Radiation Safety Officer has been selected and assigned to replace Mr. Richard D. Biasella;
 2. A description of the qualifications of that individual has been submitted to the Regional Administrator, NRC, Region I; and
 3. The license has been amended to authorize the individual to perform the functions of the Radiation Safety Officer for the Cleveland, Ohio facility.
- C. The licensee President shall notify in writing all personnel involved in the performance and supervision of licensed activities at any District Office of this Order and of the importance of strict adherence to NRC requirements and complete candor with NRC personnel. The licensee shall certify to the NRC that each District Manager and RSO has read the notification and Order, and understands their contents.
- D. The Regional Administrator, Region I, may relax or rescind any of the above provisions upon demonstration of good cause by the licensee.

V

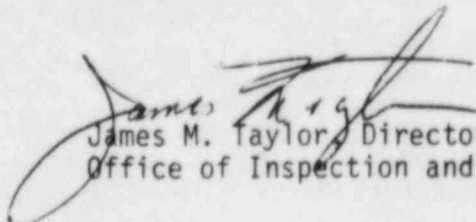
The licensee may show cause why this Order should not have been issued and should be vacated by filing a written answer under oath or affirmation within 20 days of the date of this Order which sets forth the matters of fact and law on which the licensee relies. The licensee may answer as provided in

10 CFR 2.202(b) by consenting to this Order. Upon the failure of the licensee to answer within the specified time, this Order shall be final without further proceedings.

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order within 20 days of the date of its issuance. Any answer to this Order or request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies shall also be sent to the Executive Legal Director at the same address and to the Regional Administrator, NRC Region I, 631 Park Avenue, King of Prussia, Pennsylvania 19406. If a person other than the licensee requests a hearing, that person shall describe specifically, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which that interest is affected by this Order. AN ANSWER TO THIS ORDER OR A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF SECTION IV OF THIS ORDER.

If a hearing is requested, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether this Order should be sustained.

FOR THE NUCLEAR REGULATORY COMMISSION


James M. Taylor, Director
Office of Inspection and Enforcement

Dated at Bethesda, Maryland
this 24th day of May 1985



UNITED STATES NUCLEAR REGULATORY COMMISSION

OFFICE OF PUBLIC AFFAIRS REGION I

631 Park Avenue, King of Prussia, Pa. 19406

Tel. 215 337-8330

No. I-85-57

Contact: Karl Abraham

May 29, 1985

NRC STAFF SUSPENDS ALL LICENSED RADIOGRAPHY ACTIVITIES BY PITTSBURGH TESTING LABORATORY DISTRICT OFFICE IN CLEVELAND, OHIO; BARS RADIATION SAFETY OFFICER FROM NRC LICENSED ACTIVITIES

The staff of the Nuclear Regulatory Commission has ordered the Pittsburgh Testing Laboratory (PTL) of Pittsburgh, Pa., to halt all NRC licensed industrial radiography operations conducted out of its Cleveland, Ohio District Office and has ordered the Radiation Safety Officer (RSO) there to be removed from all duties associated with NRC licensed activities.

The order, signed by James M. Taylor, Director of NRC's Office of Inspection and Enforcement, said that while an inspection conducted in August, 1984, in Cleveland and Pittsburgh, had found several violations, for which enforcement actions still are under review, a subsequent investigation had determined that PTL's RSO in Cleveland deliberately violated NRC requirements and had given "false information" to inspectors who conducted the 1984 inspection.

In an immediately effective order modifying PTL's license for the Cleveland operations, Taylor said that two employees of PTL were permitted to act as radiographers even though they had not been certified by the company in accordance with company procedures. PTL is required to follow those procedures under NRC regulations and the terms of the license. The work by the uncertified employees was performed in February, March and August, 1984.

The order alleges that the PTL radiation safety officer in Cleveland allowed the uncertified individuals to work at PTL customer field sites near Ravenna and Warren, Ohio. It also alleges that he falsified the training records of a worker who performed licensed radiography activities so as to indicate that the individual had received the required training, when he had not.

In addition, the RSO also allegedly told the NRC inspectors during the August 1984 inspection in Cleveland that radiography had never been performed on the grounds of the Cleveland PTL facility, when, in fact, he knew that radiography had been performed on the grounds during the spring of 1984.

A radiographer working under NRC license uses the radiation from a radioactive isotope to make x-ray like pictures of welding or other industrial work.

(More)

RECEIVED MAY 28 1985

Leims 2:40pm - 2:55pm
mah

So that radiography does not create a radiation hazard to the radiographer, other workers and members of the public, radiographers must be trained and knowledgeable, and must adhere strictly to radiation safety requirements. The Commission's regulations establish radiation safety requirements for radiography including specific training, testing, and documentation requirements for individuals performing radiographic operations.

The order said, "In violation of these requirements," the RSO "deliberately assigned uncertified individuals to perform radiographic operations. These actions, as well as his subsequent lack of candor with NRC inspectors, demonstrate that there is no longer reasonable assurance that the licensee will comply with Commission requirements" or that the present Radiation Safety Officer at the Cleveland facility "would comply with Commission requirements in the performance or supervision of any licensed activities," Taylor said in the order.

Taylor ordered: (1) the removal of the RSO from the position of Radiation Safety Officer of the Cleveland facility and from all involvement in the performance or supervision of NRC licensed activities; and (2) the suspension of all licensed activities at the Cleveland facility until the licensee can demonstrate that a qualified individual has been appointed as the Radiation Safety Officer, and authorized by the NRC, to oversee licensed activities at the Cleveland facility.

"In view of the potential for serious adverse effects to the health and safety of the public from the use of uncertified individuals to perform licensed radiography activities ..., I have determined that the public health and safety require that these actions be immediately effective," Taylor said in the order.

The order also modified the license to bar the RSO from serving in any position involving the performance or supervision of NRC-licensed activities, and suspend all licensed activities at, or originating from, PTL's Cleveland facility until such time as the company has assigned a qualified RSO to replace the present one, has submitted a description of the replacement's qualifications to the NRC Region I Regional Administrator, and has obtained a license amendment to allow the new individual to perform the duties of Radiation Safety Officer at the Cleveland facility.

The company has 20 days to show cause why this order should not have been issued and should be vacated, but the order is, nonetheless, immediately effective. The company or any other person who has an interest affected by this order may, within 20 days, request a hearing. Such a hearing would be to determine whether or not the order should be sustained.

The Commonwealth of Pennsylvania and the State of Ohio have been informed of the issuance of this order.

###