



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV

611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064

November 4, 1996

EA 96-378

William H. Robinson, President
Robco Production Logging, Inc.
P.O. Box 1423
1001 East Highway
Snyder, Texas 79550

SUBJECT: NRC INSPECTION REPORT NO. 150-00042/96-08, AND INVESTIGATION
REPORT NO. 4-96-024

Dear Mr. Robinson:

On October 11, 1996, the NRC completed an inspection of activities performed by Robco Production Logging, Inc. (Robco) at two temporary jobsites near Guymon, Oklahoma. The inspection included observation of well logging activities at the temporary jobsites on June 6, 1996, subsequent interviews with you and your staff, and review of pertinent records at your office in Snyder, Texas. In addition to the inspector's review of Robco's activities in Oklahoma, the NRC Office of Investigation's Field Office, Region IV, conducted a concurrent investigation. The investigation concluded on September 24, 1996. The findings of the inspection and investigation were discussed with you during a telephonic exit briefing on October 11.

As discussed with you during the exit briefing, seven apparent violations were identified during the inspection. The apparent violations included failures to follow procedures incorporated by reference in your Agreement State license and failures to follow certain NRC regulations applicable to activities conducted by Robco in Oklahoma. Specifically, the apparent violations included, in part, failures to: (1) file an NRC Form 241 as required by 10 CFR 150.20 prior to performing licensed activities in a non-Agreement State; (2) adhere to Robco procedures which require that any tracer material remaining in the logging tool is injected into the well bore after logging operations are completed; (3) require that a logging supervisor use vinyl gloves when handling an ejector tool containing iodine-131; (4) perform a survey of well sites before and after each subsurface tracer study using iodine-131 and maintain records of well site and vehicle surveys performed before or after tracer material was used or transported; and (5) record each use of tracer material during 1995 and 1996 and to maintain records that were made by Robco staff in 1995. Two additional apparent violations were also identified involving transportation activities conducted by Robco personnel. The apparent violations identified above are described in detail in the enclosed inspection report.

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The NRC considers the apparent violations to be significant, in part, because failures to adhere to Robco procedures appeared to have contributed to contamination of a logging supervisor's hands during a tracer study performed on June 6, 1996. In addition, some of the apparent violations were identified during a previous inspection performed by the NRC in 1992. The NRC is also concerned that Robco failed to provide notification, by filing an NRC Form 241, of proposed activities to be performed in Oklahoma despite the fact that Robco had filed such forms for work performed in a non-Agreement State on previous occasions.

Based on the results of the investigation, the NRC has concluded that two of the apparent violations may have been deliberate. Specifically, the investigation concluded that you, as the president and radiation safety officer, may have deliberately failed to file a Form 241 prior to performing activities in Oklahoma in June 1996 and that you may have deliberately instructed personnel to not follow Robco procedures requiring that the content of the ejector tool be emptied into the well bore after logging operations are completed. These findings have been identified as an apparent violation 10 CFR 30.10(a)(1), "Deliberate Misconduct," which specifies, in part, that any licensee or any employee of a licensee may not engage in deliberate misconduct that causes a licensee to be in violation of any rule or regulation, or any term, condition or limitation of any license issued by the Commission. The filing of an NRC Form 241, providing notification of work proposed in a non-Agreement State, and compliance with the provisions of an Agreement State license while working in a non-Agreement State are required under 10 CFR 150.20.

The apparent violations discussed above are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. Accordingly, no Notice of Violation is presently being issued for these inspection findings. In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

A transcribed, predecisional enforcement conference to discuss these apparent violations has been scheduled for 8:30 a.m., CT, on November 15, 1996. The decision to hold a predecisional enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. This conference is being held to obtain information to enable the NRC to make an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violation sooner, corrective actions, significance of the issues and the need for lasting and effective corrective action. In addition, this is an opportunity for you to point out any errors in our inspection report and for you to provide any information concerning your perspectives on 1) the severity of the violations, 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII, and 4) the application of the factors identified in Section VIII of the Enforcement Policy. You should also be prepared to discuss those actions planned or

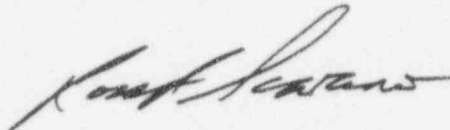
taken to improve the effectiveness of management control of your licensed operations, with particular emphasis on measures currently being taken to prevent further violations.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding these apparent violations is required at this time.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure(s), and your response will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

Should you have any questions concerning this inspection, please contact Mr. William Radcliffe at (817) 860-8151 or Ms. Linda Howell at (817) 860-8213.

Sincerely,



Ross A. Scarano, Director
Division of Nuclear Materials Safety

Docket No.: 150-00042
License No.: L04925 (Texas)

Enclosures:

1. NRC Inspection Report 150-00042/96-08
2. NRC Enforcement Policy, NUREG-1600
3. Proposed Enforcement Conference Agenda

cc w/Enclosures 1 and 3:
Texas Radiation Program Control Director
Oklahoma Radiation Program Control Director

bcc w/Enclosures 1 and 3 to DMB (IE07)

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TPGwynn

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DACool, NMSS MS: TWFN 8-F5

GFSanborn

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