

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTIES

Exam Company
Tulsa, Oklahoma

Docket No. 30-10972
License No. 35-16191-01
EA 85-125

During an NRC inspection conducted on October 3 and 8, 1985, several violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985), the Nuclear Regulatory Commission proposes to impose civil penalties pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, ("Act"), 42 U.S.C. 2282, PL 96-295, and 10 CFR 2.205. The particular violations and associated civil penalties are set forth below:

1. 10 CFR 20.101(b) states, in part, that a licensee may permit an individual in a restricted area to receive a total occupational dose to the whole body greater than that permitted under paragraph (a) of 10 CFR 20.101 provided that during any calendar quarter the total occupational dose to the whole body shall not exceed 3 rem.

Contrary to the above, two radiographer's assistants received whole body doses of 3.26 and 4.50 rems, respectively, while performing radiography in a restricted area on September 26, 1985 at a field site in La Barge, Wyoming.

2. 10 CFR 34.44 requires that whenever a radiographer's assistant uses radiographic exposure devices, sealed sources, handling tools, or conducts radiation surveys to determine that the source has been returned to the shielded position, it shall be under the personal supervision of the radiographer who shall watch the above operations.

Contrary to the above, the radiographer was in the dark room at the time the radiographer's assistants used the radiographic exposure device and, thus, the radiographer did not observe operations involving the device.

3. 10 CFR 34.43(b) requires that a radiation survey be made after each radiographic exposure to determine that the sealed source has been returned to its shielded position. The entire circumference of the radiographic exposure device must be surveyed, including the source guide tube.

Contrary to the above, no surveys were performed after radiographic exposures on September 26, 1985 to determine that the sealed source had returned to its shielded position. As a result, two radiographer's assistants received overexposures.

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4. License Condition 18 requires that the licensee shall possess and use licensed material in accordance with statements, representations, and procedures contained in the license application dated December 27, 1979.

Section 5.1.5 of the licensee's procedure states that any individual whose pocket dosimeter goes off scale (over 200 mR) while using a source of radiation shall immediately stop work and make a complete radiation survey of the area, making certain to receive no additional radiation exposure. The following actions shall then be taken: If the source is in the exposed position, the individual shall restrict his activities to working outside the radiation area until he has (been) notified that his total exposure was not in excess of allowable limits.

Contrary to the above, when the pocket dosimeters of the two radiographer's assistants were observed to be discharged beyond their range on September 26, 1985, the two radiographer's assistants were permitted to continue radiographic operations using an exposed source prior to the determination of their total exposure.

Collectively, the violations have been evaluated as a Severity Level III problem (Supplements IV and VI).

Cumulative Civil Penalty - \$5,000 assessed equally among the violations.

Pursuant to the provisions of 10 CFR 2.201, Exam Company is hereby required to submit to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76012, within 30 days of the date of this Notice a written statement or explanation, including for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps which will be taken to avoid further violations, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, the Director, Office of Inspection and Enforcement, may issue an order to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, Exam Company may pay the civil penalties by letter addressed to the Director, Office of Inspection and Enforcement, with a check, draft, or money order payable to the Treasurer of the United States in the cumulative amount of Five Thousand Dollars (\$5,000) or may protest imposition of the civil penalties in whole or in part by a written answer addressed to the

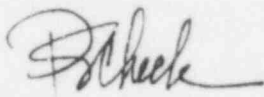
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Director, Office of Inspection and Enforcement. Should Exam Company fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalties in the amount proposed above. Should Exam Company elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalties, such answer may: (1) deny the violations listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalties should not be imposed. In addition to protesting the civil penalties in whole or in part, such answer may request remission or mitigation of the penalties.

In requesting mitigation of the proposed penalties, the five factors addressed in Section V.B of 10 CFR Part 2, Appendix C should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201 but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. Exam Company's attention is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalties.

Upon failure to pay any civil penalties due which have been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalties, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION


for Robert D. Martin
Regional Administrator

Dated at Arlington, Texas
this 5th day of December, 1985

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