

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Conam Inspection  
Itasca, Illinois

Docket No. 030-31373  
License No. 12-16559-01  
EA 97-207

During an NRC inspection conducted March 28 through April 11, 1996, with continuing NRC review through November 12, 1996, and an investigation conducted by the Office of Investigations from April 8, 1996, through October 16, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the NRC proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

I. Violations Assessed a Civil Penalty

- A. 10 CFR 34.22(a) requires, in part, that during radiographic operations, the sealed source assembly be secured in the shielded position each time the source is returned to that position.

Condition 26 of License No. 12-16559-01 requires that licensed material be possessed and used in accordance with statements, representations and procedures contained in an application dated March 29, 1993.

The licensee's application dated March 29, 1993, included the Operating and Emergency Procedure Manual (OEP) that is required to be followed by the licensee's radiography personnel. Item 10.3.3(c) of the OEP, entitled, "Technical Operations Model 533, 660, Capacity 100 Curies", describes the operating procedures for the Amersham Model 660B exposure device. Steps 12 through 15 of the procedure describe the requirements to secure the radiography source in the exposure device by: 1) retracting the source to engage the automatic locking mechanism, 2) rotating the selector ring from operate to lock, and 3) depressing the key lock.

Contrary to the above, on February 27, 1996, at Eli Lilly, Indianapolis, IN, a licensee radiographer did not secure the sealed source assembly in the shielded position after returning the source to the shielded position at the termination of a radiographic exposure. Specifically, the radiographer did not retract the source to engage the automatic locking mechanism, rotate the selector ring from operate to lock, and depress the key lock as required.

- B. 10 CFR 34.43(b) requires, in part, the licensee to ensure that a survey with a calibrated and operable radiation survey instrument is made after each radiographic exposure to determine that the sealed source has been returned to its shielded position. The

survey must include the entire circumference of the radiographic exposure device and any source guide tube.

Contrary to the above, on February 27, 1996, at Eli Lilly, Indianapolis, IN, a licensee radiographer did not perform an adequate survey after each radiographic exposure to determine that the sealed source had been returned to its shielded position, in that the survey did not include the entire circumference of the radiographic exposure device and the source guide tube.

- C. 10 CFR 20.1201(a)(1)(i) requires, with exceptions not applicable here, that the licensee control the occupational dose to individual adults to an annual dose limit of 5 rems total effective dose equivalent.

Contrary to the above, the licensee did not limit the annual occupational dose to an adult radiographer to 5 rems, total effective dose equivalent. Specifically, the individual received a radiation dose of a minimum of 6 rems, total effective dose equivalent, during an event on February 27, 1996.

These violations represent a Severity Level II problem (Supplement IV & VI).

Civil Penalty - \$16,000

II. Violations Not Accessed a Civil Penalty

- A. 10 CFR 20.2203(a)(2)(i) requires, in part, that the licensee shall submit a written report within 30 days after learning of a dose in excess of the occupational dose limits for adults as defined in 10 CFR 20.1201.

Contrary to the above, on April 11, 1996, the licensee learned of an event that caused an adult radiographer to receive a total effective dose equivalent of more than 5 rems total effective dose equivalent and did not submit a written report within 30 days as required.

This is a Severity Level IV violation (Supplement IV)

- B. Condition 26 of License No. 12-16559-01 requires that licensed material be possessed and used in accordance with statements, representations and procedures contained in an application dated March 29, 1993.

Notice of Violation and Proposed  
Imposition of Civil Penalty

-3-

The licensee's application dated March 29, 1993, included the Operating and Emergency Procedure Manual (OEPN). Item 5.1 of the OEPN, entitled, "Personnel Monitoring Equipment", requires, in part, that radiographers and radiographers' assistants and trainees shall wear a film badge and a pocket dosimeter at all times when working with ionizing radiation.

Contrary to the above, on March 14, 1996, a trainee at the licensee's Gary, Indiana, location calibrated portable radiation survey instruments with a device containing cesium-137 and did not wear a film badge or pocket dosimeter.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Conam Inspection (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation and Proposed Imposition of Civil Penalty (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that 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, 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. 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, the Licensee may pay the civil penalty by letter addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, money order, or electronic transfer payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or the cumulative amount of the civil penalties if more than one civil penalty is proposed, or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violation(s) 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 penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

Notice of Violation and Proposed      -4-  
Imposition of Civil Penalty

In requesting mitigation of the proposed penalty, the factors addressed in Section VI.B.2 of the Enforcement Policy 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. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

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

The response noted above (Reply to Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at Lisle, Illinois  
this 9th day of June 1997