

U.S. NUCLEAR REGULATORY COMMISSION
REGION I

INSPECTION REPORT

Inspection No. 03038861/2019001

EA: EA-19-105

Docket No. 03038861

License No. 47-35262-01

Licensee: Premier Energy Services, LLC

Location: 1 Dane Street
Clarksburg, WV 26301
GPS Location, 39.276030, -80.351364

Inspection Locations: See Above

Inspection Dates: March 18, 2019 with continued in-office review thru
March 15, 2021

Inspector: _____ date _____
Leonardo Wardrobe, Health Physicist
Commercial, Industrial, R&D, and Academic Branch
Division of Nuclear Materials Safety, Region I

Approved By: _____ date _____
Christopher Cahill, Chief
Commercial, Industrial, R&D, and Academic Branch
Division of Nuclear Materials Safety, Region I

EXECUTIVE SUMMARY

Premier Energy Services, LLC (Premier)

A routine, onsite, inspection of the licensee was initiated on March 18, 2019. On the day of the onsite inspection, the licensee possessed two empty radiography exposure devices, no portable gauges (PG) and no authorized users for the portable gauges or radiography exposure devices. The only licensed material the licensee possessed was the depleted uranium (DU) used for source shielding in the exposure devices.

Due to ongoing financial issues, the Radiation Safety Officer (RSO) left the licensee in the spring of 2018. The licensee does not have an RSO or any personnel trained/experienced to be the RSO. The licensee also failed to decommission their site due to no principal activities being conducted under their license for greater than 24 months.

Two apparent violations of NRC requirements were identified and discussed with the licensee during the inspection. The apparent violations involved: 1) the failure to have a radiation safety officer as required by 10 CFR 34.42; and 2) failure to decommission their site due not conducting principal activities under their license for greater than 24 months as required by 10 CFR 30.36(d). In response to the apparent violations, in a letter dated August 7, 2019 (ML19240A793), the licensee committed to properly disposing of their licensed material and terminating their license. However, the Premier owner was killed in a home invasion on September 29, 2019, before completing the corrective actions. After the owner's death, the company ceased operations.

The inspector attempted on multiple occasions (phone calls, site visits, registered mail and FEDEX) to contact the Probate Administrator of the licensee owner's estate to ascertain the status of the licensed material. All attempts at communication with the Probate Administrator were unsuccessful.

The inspector subsequently identified that the property and equipment possessed by Premier, was repossessed by Citizens Bank of Clarksburg. By letter dated February 20, 2021 (ML21054A087), Acuren Inspection (NRC License 22-27593-01), stated they purchased the radiography exposure devices (QSA Global 880D, S/Ns – D14487 & D14508) from Citizens Bank of Clarksburg on February 17, 2020. The radiography exposure devices possessed by Premier were verified by QSA Global via email dated March 2, 2021 (ML21061A203). Based on this information, the NRC determined that the apparent violations have been addressed such that further enforcement action is not warranted. Premier's license was terminated on March 15, 2021 (Pkg. Number ML19240A792).

REPORT DETAILS

I. Organization and Scope of the Program

a. Inspection Scope

This was an unannounced, routine inspection conducted at the licensee's facility located at the above location. The inspector reviewed the organization and scope of the activities performed under License No. 47-35262-01. Information was gathered through interviewing licensee staff, direct site inspection, and reviews of selected records. The inspector reviewed specific areas of the radiation safety program including management structure, personnel, use of licensed material and storage and security of devices.

b. Observations and Findings

Premier was an engineering firm licensed for use of PGs (sealed sources of Cs-137 and Am-241/Be) and radiography exposure devices (sealed sources of Ir-192) in NRC jurisdiction. The licensee had one office/storage location in NRC jurisdiction located in Clarksburg, West Virginia.

Due to financial issues, the licensee never acquired or used Category 2 sources since the issuance of the license and purchasing of the radiography exposure devices. The company Vice-President (VP) who started the process to obtain an NRC license and the RSO both left the company as of the time of the inspection. There were no remaining personnel in the company that are qualified to use radiography equipment. Since the issuance of the license, the licensee acquired two radiography cameras and various support equipment (darkroom rig, guide tubes, security systems, etc.) but never sourced the radiography cameras with Cat 2 sources. The licensee has also never possessed portable gauges. The only licensed material the licensee has possessed was the DU used for source shielding in the exposure device.

On October 1, 2019, the inspector discovered, through speaking with the company secretary, that the owner unexpectedly died on September 29, 2019. The inspector attempted on multiple occasions (phone calls, site visits, registered mail and FEDEX) to contact the Probate Administrator of the licensee owner's estate to ensure completion of actions to properly dispose of the licensed material and terminate the license. All attempts at communication with the Probate Administrator were unsuccessful.

c. Conclusions

Based on the results of the inspection, one apparent violation of NRC requirements was identified:

10 CFR 34.42, states in part that the RSO shall ensure that radiation safety activities are being performed in accordance with approved procedures and regulatory requirements in the daily operations of the of the licensee's program.

Contrary to the above, on March 18, 2019, Premier failed to have an RSO ensure that radiation safety activities are being performed in accordance with approved procedures and regulatory requirements in the daily operations of the of the licensee's program. Specifically, the RSO listed on the license left the company in 2018 and as of March 18, 2019 the licensee failed to assign an RSO and/or have an individual act as the RSO and failed to submit a license amendment request to name a new RSO.

II. Program Inspection (Inspection Procedures (87121, 87137, and 87124))

a. Inspection Scope

The inspector reviewed storage/security of empty radiography cameras and discussed with owner the radiation safety program and future use of licensed material. No issues were identified with the storage/security of the radiography exposure devices.

b. Observations and Findings

During the discussion with the owner of the company, the inspector discovered that the RSO listed on the license, was no longer with the company and the licensee had no personnel that were qualified as radiographers, qualified to have unescorted access to Cat 2 material and qualified to use portable gauges. Additionally, from the 2018 inspection, the licensee received a violation for failure to decommission due to failure to conduct any principal activities under their license for the past 24 months.

As of the start of this inspection, the licensee had not initiated any actions to address this violation. As a corrective action for the above violations, the licensee committed, via letter dated August 7, 2019 (ML19240A793) to properly dispose of their licensed material and terminate their license. On October 1, 2019, the inspector discovered, through speaking with the company secretary, that the owner died unexpectedly on September 29, 2019.

c. Conclusions

Based on the results of the inspection, one apparent violations of NRC requirements was identified:

10 CFR 30.36(d)(4) states, in part, that within 60 days of the occurrence of the following, no principal activities under the license have been conducted for a period of 24 months, shall provide notification to the NRC in writing and begin decommissioning of its site.

Contrary to the above, as of March 18, 2019, the licensee failed to conduct any principal activities under its license for a period more than 24 months and failed to provide notification to the NRC in writing of such occurrence nor begin to decommission its site.

The licensee submitted a letter, dated August 7, 2019 (ML19240A793), requesting termination of their license, but had not, at that time, disposed of its licensed material.

III. Authorized Use of Material

a. Inspection Scope

The inspector reviewed the licensee's NRC license and confirmed that the licensee was authorized to use PGs and perform radiography at temporary jobsites (TJSs) in NRC jurisdiction.

b. Observations and Findings

The only regulated material the licensee possessed was DU used for shielding in the radiography cameras. The radiography cameras have never been sourced and the licensee has never possessed PGs.

c. Conclusions

No violations were identified regarding authorized use of material.

IV. Exit Meeting

Due to the passing of the owner and not being able to contact the Probate Administrator of the owner's estate, an exit briefing was not held. The property and equipment possessed by Premier, was repossessed by Citizens Bank of Clarksburg. By letter dated February 20, 2021 (ML21054A087), Acuren Inspection (NRC License 22-27593-01), stated they purchased the radiography exposure devices (QSA Global 880D, S/Ns – D14487 & D14508) from Citizens Bank of Clarksburg on February 17, 2020. The radiography exposure devices possessed by Premier were verified by QSA Global via email dated March 2, 2021 (ML21061A203).

Based on the specific circumstances of this case (the passing of the licensee owner and subsequent cessation of all business activity in conjunction with the licensee never possessing licensed material other than DU shielding, the confirmed proper transfer of that licensed material to an authorized licensee, and termination of the license), the NRC (Office of Enforcement) determined that the apparent violations identified in this report have been addressed and that further enforcement action is not warranted. Accordingly, the Premier license was terminated on March 15, 2021 (Pkg. Number ML19240A792).

LIST OF PERSONS CONTACTED

Licensee

*Chris Moses – Owner/President

* Individuals present at entrance briefing conducted on March 18, 2019

INSPECTION PROCEDURE USED

IP 87121, "Industrial Radiography Programs"

IP 87137, "10 CFR Part 37 Materials Security Program"

IP 87124, "Fixed and Portable Gauge Programs"