



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

April 7, 2022

Kristina M. Lehman, Radiation Safety Officer
U. S. Inspection & NDT, LLC
dba Atlas NDT
111 School Street
Harrison Valley, PA 16927

SUBJECT: U. S. INSPECTION & NDT, LLC - NRC INSPECTION NO. 030-39215/2022-001
AND NOTICE OF VIOLATION

Dear Ms. Lehman:

This letter refers to the inspection conducted on March 16, 2022, at the Harrison Valley, PA facility and on March 7, 2022, at the temporary job site location in Glen Dale, WV. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, independent and confirmatory radiation surveys, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited in the enclosed Notice of Violation (Notice) because the violations were identified by the NRC.

The NRC has concluded that information regarding: (1) the reason for the violations; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket. These include U.S. Department of Transportation Hazardous Materials re-training of the individuals with emphasis on labelling of packages for transportation and performing required surveys; correcting labels on packages to be transported by completing and updating required information; and re-training in activities required to be documented in the licensee's Survey Sheet/Transport Report. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice and Procedure," a copy of this letter and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or

safeguards information so that it can be made available to the Public without redaction.

If you have any questions regarding this matter, please contact Betsy Ullrich of my staff at (610) 337-5040 or by electronic mail to Elizabeth.Ullrich@nrc.gov.

Thank you for your cooperation.

Sincerely,

Christopher Cahill, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Radiological Safety and Security
Region I

Docket No. 030-39215
License No. 37-35583-01

Enclosure:
Notice of Violation

cc w/ enclosure
Commonwealth of Pennsylvania

U. S. INSPECTION & NDT, LLC - NRC INSPECTION NO. 030-39215/2022-001 AND NOTICE OF VIOLATION DATED APRIL 7, 2022

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NOTICE OF VIOLATION

U. S. Inspection & NDT, LLC
Harrison Valley, PA

Docket No. 030-39215
License No. 37-35583-01

During an NRC inspection conducted on March 7 and 16, 2022, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 71.5 (a) requires that each licensee who transports licensed material outside the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the DOT regulations in 49 CFR parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

49 CFR 172.403 requires, in part, that (a) unless excepted from labeling, each package of radioactive material must be labeled as provided in this section; (g) the contents, activity and transport index be entered in the blank spaces on the RADIOACTIVE label; and (h) when one or more packages of Class 7 (radioactive) material are placed within an overpack, the overpack must be labeled as prescribed in this section.

49 CFR 173.475(i) requires in part that, before each shipment of any Class 7 (radioactive) materials package, the offeror must ensure, by examination or appropriate tests, that external radiation and contamination levels are within the allowable limits specified in this subchapter.

Contrary to the above, on March 7, 2022, licensee employees transported licensed material on public highways, and did not comply with the applicable requirements of the DOT regulations in 49 CFR parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport. Specifically, (1) packages were labelled with the original information from the manufacturer and were not updated to account for decay of the material as of the date of actual transport in accordance with 49 CFR 172.403 (a), (g) and (h); and (2) vehicle surveys required by 49 CFR 173.475(i) to demonstrate compliance with 49 CFR 173.441 and 177.842(g) were not performed.

This is a Severity Level IV violation. (Enforcement Policy Section 6.8)

- B. 10 CFR 30.9(a) requires that Information provided to the Commission by an applicant for a license or by a licensee or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant or the licensee shall be complete and accurate in all material respects.

Contrary to the above, on March 7, 2022, information provided to be maintained by the applicant was not accurate. Specifically, a radiographer listed a "zero" reading on the licensee's Survey Sheet/Transport Report for the direct reading dosimeter for his radiographer's assistant, although the individual was not present and the associated direct reading dosimeter was not at the Glen Dale, WV location. The purpose of this entry was to satisfy 10 CFR 34.47(b), and to demonstrate compliance with 10 CFR 34.47(a) – that the required personnel monitoring equipment was present and accounted for.

This is a Severity Level IV violation (Enforcement Policy Section 6.9).

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated This 7th day of April 2022