UNITED STATES
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	Docket No. 030-30175
WESTERN STRESS, INC.	)	License No. 42-26900-01
Houston, Texas	)	EA 90-218

ORDER MODIFYING LICENSE
(EFFECTIVE IMMEDIATELY)

I

Western Stress, Inc. (Licensee or WSI) is the holder of Byproduct Material License No. 42-26900-01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Parts 30 and 34. The license authorizes the Licensee to possess radioactive iridium-192 and cobalt-60 in the form of sealed sources for use in certain industrial radiography devices and for the purpose of performing industrial radiography. The license, originally issued on October 15, 1987, is due to expire on October 31, 1992.

II

On October 5, 1990, the Licensee telephoned NRC's Operations Center in Bethesda, Maryland, to report a radiography incident that occurred in Bordentown, New Jersey. The incident involved the disconnection of a sealed radioactive radiography source from its drive cable. NRC Region I dispatched inspectors to the scene of the incident. On October 5-6, 1990, inspectors observed efforts to recover the disconnected source and interviewed involved personnel in regard to the circumstances surrounding the event. On October 11, 1990, after it had become apparent that the radiographer involved in this incident had received radiation exposures to the whole body and to the hand which were estimated to have exceeded NRC limits, NRC issued a Confirmatory Action Letter to the Licensee confirming the Licensee's commitment to prohibit the radiographer, who also served as WSI's radiation safety officer (RSO) at its Pennsauken, New Jersey,

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field office, from engaging in licensed activities pending NRC review of the event. NRC also asked its Office of Investigations (OI) to interview the individuals involved in the October 5 incident. On December 4, 1990, an inspection report was issued and on December 7, 1990, an enforcement conference was conducted with the Licensee's corporate RSO to discuss the incident and violations disclosed by NRC's inspection and investigation. During the enforcement conference, the Licensee's RSO stated that WSI would never again permit this radiographer to serve in a supervisory capacity with respect to radiography activities.

NRC's review of this incident indicates that the radiographer committed two violations of NRC radiation safety requirements, at least one of which was willful. The violations directly contributed to the occurrence of radiation overexposures to his whole body and to his right hand. Specifically, on October 5, 1990, following a problem with the radiography equipment and despite encountering some difficulty in turning the hand crank used to return the radiography source to its shielded position, the radiographer failed to perform a confirmatory radiation survey to ensure that the source was in a safe, shielded position, in violation of 10 CFR 34.43(b). In his attempt to resolve the problem, the radiographer, knowing he would have to get close to the source, removed his dosimetry (two pocket dosimeters and TLD badge), in violation of 10 CFR 34.33(a). Only after leaving the immediate area of the source did the radiographer resume wearing his personal radiation dosimetry. Both of these violations occurred despite this radiographer's 17 years of experience and recent refresher training in radiation safety. When questioned about these matters, the radiographer first told the NRC that he didn't know why he removed his dosimetry and that it was not to

avoid recording an overexposure. In a subsequent interview on January 10, 1991, the radiographer acknowledged that his original statement to NRC investigators was not true and that he had deliberately removed the dosimetry in order to avoid recording a personal radiation exposure, for the purpose of concealing any radiation exposure to himself, and with the knowledge he was violating NRC requirements.

Had this individual performed the survey required by 10 CFR 34.43(b), he would have realized that the source was not in a shielded position, and he could have initiated source recovery measures without receiving excessive exposures. Based on a reenactment of this incident as described by the radiographer, NRC estimates that he received exposures significantly in excess of the NRC limits of 3 rems per calendar quarter to the whole body and 18.75 rems per calendar quarter to the extremities.

III

Based on the above, the NRC concludes that Licensee employee Roland Dellarciprete, the radiographer involved in the October 5, 1990, incident, willfully violated an NRC requirement that is essential to radiation safety. Specifically, Mr. Dellarciprete, by his own admission, intentionally violated the requirement to wear personal radiation dosimetry. In addition, Mr. Dellarciprete failed to perform the required radiation survey during the incident which occurred on October 5. In view of Mr. Dellarciprete's 17 years experience as a radiographer, his admitted intent to conceal radiation exposure to himself, and his failure

to survey, NRC does not have confidence that he will comply in the future with NRC requirements necessary to protect the public health and safety, including his own safety.

Consequently, I lack the requisite reasonable assurance that the Licensee's current operations with Mr. Dellarciprete performing unsupervised licensed activities can be conducted under License No. 42-26900-01 in compliance with the Commission's requirements and that the health and safety of the public, including the Licensee's employees, will be protected. Therefore, the public health, safety and interest require that License No. 42-26900-01 be modified to prohibit Mr. Roland Dellarciprete from performing radiography as a radiographer or supervising any licensed activities at Western Stress for a period of one year. Furthermore, pursuant to 10 CFR 2.204, I find that the public health, safety and interest require that this order be immediately effective.

IV

Accordingly, pursuant to sections 81, 161b, 161i, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR Parts 30 and 34, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY, THAT LICENSE NO. 42-26900-01 IS MODIFIED AS FOLLOWS:

> Western Stress, Inc. shall not utilize Mr. Roland Dellarciprete as a radiographer, Radiation Safety Officer, or other supervisor of licensed activities for a period of one year from the date of this Order.

The Regional Administrator, Region IV may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.

V

The Licensee, Mr. Dellarciprete, or any other person adversely affected by this Order may submit an answer to this Order or request a hearing within twenty days of the date of this Order. The answer shall set forth the matters of fact and law on which the Licensee, Mr. Dellarciprete, or any other person adversely affected relies and the reasons why the Order should not have been issued.

Any answer filed within twenty days of the date of this Order may include a request for a hearing. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Chief, Docketing and Service Section, Washington, D.C. 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011, and to the Licensee if the answer or hearing request is by a person other than the Licensee. If a person other than the Licensee or Mr. Dellarciprete requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by the Licensee, Mr. Dellarciprete, or a person whose interest is adversely affected, the Commission will issue an Order designating

the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

VI

In the absence of any request for hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further Order or proceedings. AN ANSWER OR A REQUEST FOR HEARING SHALL NOT STAY THE IMMEDIATE EFFECTIVENESS OF THIS ORDER.

FOR THE NUCLEAR REGULATORY COMMISSION

Hugh L. Thompson, Jr.
Deputy Executive Director for
Nuclear Materials Safety, Safeguards
and Operations Support

Dated at Rockville, Maryland
this 28th day of January, 1991

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Western Stress, Inc.

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