



NRC NEWS

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Contact: Diane Screnci, 610/337-5330

Neil Sheehan, 610/337-5331

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E-mail: opal@nrc.gov

FIRM IN BUFFALO, N.Y., TO RECEIVE \$500 FINE, MAKE CHANGES UNDER SETTLEMENT AGREEMENT WITH NRC

Quality Inspection Services, Inc., (QISI) of Buffalo, N.Y., has agreed to implement a broad range of corrective actions related to radiation safety and pay a \$500 fine under an agreement reached with the Nuclear Regulatory Commission.

The settlement with the company was achieved under the NRC's Alternate Dispute Resolution (ADR) process, which was initiated at the request of QISI to address a willful violation of NRC regulations involving the use of an industrial radiography facility the company owns in Manchester, Conn. The violation was identified by the NRC during an inspection and an investigation by the agency's Office of Investigations.

Specifically, the NRC found there was a willful failure on the part of a QISI site Radiation Safety Officer (RSO) to maintain utilization logs for each sealed radioactive source at the site. NRC reviews determined that the RSO performed radiographic operations at the Manchester location on several occasions between Nov. 15, 2006, and March 2, 2007, without keeping such logs. Among other things, these logs capture whether safety procedures were followed.

During industrial radiography operations, metal parts and welds can be inspected for flaws. A sealed radioactive source beams radiation at the object to be checked. Special photographic, or radiographic, film on the opposite side of the source is exposed when it is struck by the radiation passing through. Structural problems can be detected by studying the film.

On Sept. 15, 2008, the NRC proposed a \$6,500 civil penalty for QISI for the violation. In the letter to the company notifying it of the enforcement action, QISI was offered an opportunity to use the ADR process. ADR is a process in which a neutral mediator with no decision-making authority assists the parties in reaching an agreement on the resolution of any differences regarding an action.

QISI, in turn, requested the use of ADR, and an ADR mediation session was held on Jan. 22, 2009, at the Scheinman Institute on Conflict Resolution at Cornell University, in Ithaca, N.Y. During that session, a preliminary settlement was reached. The agreement has now been finalized.

As part of the settlement agreement, QISI has agreed to take a number of actions. They include: (1) revising the existing operations and emergency (O&E) manual to emphasize the importance of safe performance of radiography, strict compliance with requirements, being complete and accurate in all communications, and understanding that engaging in any willful misconduct will not be tolerated; (2) retraining all employees regarding the revisions to the O&E manual; (3) adding a radiation safety component to the existing corporate newsletter, to be issued at least quarterly, focusing on radiation safety updates; (4) developing a video recording that will include the message emphasizing the importance of safety and compliance with the requirements; it will be required viewing for all company employees who are involved in any manner in activities subject to NRC jurisdiction, and will be placed on the QISI web site for employee viewing and access; (5) placing the video on the QISI public web site, and offering to make the video available for a presentation at a national industry conference; (6) increasing the audits of each of the radiographers working in areas of NRC jurisdiction to three times annually for two years; and (7) including, as part of the next two NRC-required annual reviews of the company's radiation safety programs, an inquiry (independent of the corporate radiation safety officer) of all radiographers working in NRC jurisdiction, to assess the effectiveness of adherence to NRC requirements.

QISI also agreed to send the NRC a letter documenting completion of the actions within 30 days after they have been done.

In recognition of these actions, as well as the corrective actions already taken by QISI, the NRC has agreed to reduce the amount of the civil penalty to \$500.

A copy of the enforcement action will be posted on the NRC web site at:
<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions>.

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