



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION IV
1600 E. LAMAR BLVD
ARLINGTON, TX 76011-4511

June 8, 2015

EA-15-034

Wallace K. Onuma, President
LKS Inspection Services, LLC
91-1002 Kelau Street
Kapolei, Hawaii 96707

SUBJECT: NOTICE OF VIOLATION AND NRC INSPECTION REPORT 030-36762/2015-001

Dear Mr. Onuma:

This letter refers to the routine inspection conducted on January 27, 2015, at a temporary job site located at the Chevron Refinery in Kapolei, Hawaii, and the licensee's office located at the address listed above. The purpose of the inspection was to examine activities conducted under your license as they relate to safety and 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, observation of activities, and interviews with personnel. The inspector discussed the preliminary inspection findings with you at the conclusion of the onsite portion of the main office inspection. A final exit briefing was conducted telephonically with you on March 24, 2015.

In the U.S. Nuclear Regulatory Commission's (NRC) letter dated April 2, 2015, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15092A903), transmitting the inspection report, we provided you with the opportunity to address the apparent violations identified in the report by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. We received your letter on April 29, 2015, (ML15119A569) in which you provided a written response containing your corrective actions to the apparent violations.

Based on the information developed during the inspection and the information that you provided in your response to the inspection report, the NRC has determined that two violations of NRC requirements occurred. These violations are cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding them are described in detail in the subject inspection report. These violations involved a failure by a radiographer to wear an alarm ratemeter while performing radiographic operations, as required by 10 CFR 34.47(a), and the failure of both radiographers to recharge their respective pocket dosimeters at the start of the shift, as required by 10 CFR 34.47(a)(1).

The failure to wear an alarm ratemeter could possibly prevent the radiographer from knowing that a source might not have been returned to the fully shielded position when approaching the radiographic exposure device. In addition, the failure to recharge pocket dosimeters at the beginning of the work shift could possibly prevent the licensee's radiographers from knowing what their radiation exposure was in real time, which is important during some emergency situations. As a result, these violations are categorized collectively, in accordance with the NRC Enforcement Policy, as a Severity Level III problem. The current Enforcement Policy is included on the NRC's Web site at: <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$7,000 is considered for a Severity Level III violation. Because your facility has not been the subject of escalated enforcement actions within the last 2 years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. Based on your prompt and comprehensive corrective actions, the NRC has determined that *Corrective Action* credit is warranted. Specifically, your corrective actions include: 1) immediate re-training of the crew as it related to the two violations; 2) implementation of a peer check process, which is to be documented on the licensee's radiation safety equipment check form; and 3) increased performance of unannounced monthly field inspections by the radiation safety officer.

Therefore, to encourage prompt and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty. In addition, issuance of this Severity Level III problem constitutes escalated enforcement action that may subject you to increased inspection effort.

The NRC has concluded that information regarding: 1) the reason for the violations; 2) the corrective actions that have been taken; and 3) the date when full compliance was achieved is already adequately addressed on the docket in LKS Inspection Services, LLC, correspondence received by the NRC on April 29, 2015, (ML15119A569) and in NRC Inspection Report 030-36762/2015-001 (ML15092A903). Therefore, you are not required to respond to this letter unless the description therein 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, its enclosure, 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's Agencywide Documents Access and Management 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.

W. Onuma

- 3 -

If you have any questions concerning this matter, please contact Mr. Michael Vasquez, Chief, Nuclear Materials Safety Branch A, at 817-200-1130.

Sincerely,


Kriss M. Kennedy
Deputy Regional Administrator

Docket: 030-36762
License: 53-27795-01

Enclosure:
Notice of Violation

cc w/encl:
Jeffrey M. Eckerd, Supervisor
Radiation Section
Hawaii Department of Health
Indoor & Radiological Health Branch
591 Ala Moana Boulevard, Rm 133
Honolulu, HI 96813

NOTICE OF VIOLATION

LKS Inspection Services, LLC
Kapolei, Hawaii

Docket: 030-36762
License: 53-27795-01
EA-15-034

During an NRC inspection conducted on January 27, 2015, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 34.47(a) requires, in part, that the licensee may not permit an individual to act as a radiographer unless, at all times during radiographic operations, each radiographer wears, on the trunk of the body, a direct reading dosimeter, an operating alarm ratemeter, and a personnel dosimeter.

Contrary to the above, on January 27, 2015, the licensee permitted an individual to act as a radiographer without, at all times during radiographic operations, wearing an operating alarm ratemeter. Specifically, during industrial radiographic operations performed at a temporary jobsite in Kapolei, Hawaii, a radiographer was not wearing an alarm ratemeter.

- B. 10 CFR 34.47(a)(1) requires, in part, that pocket dosimeters [required by 10 CFR 34.47(a)] must be recharged at the start of each shift.

Contrary to the above, on January 27, 2015, the licensee failed to recharge the pocket dosimeters of two radiographers, at the start of the shift. Specifically, two radiographers who were performing industrial radiography at a temporary jobsite in Kapolei, Hawaii, failed to recharge their pocket dosimeters prior to starting the work shift on that day.

This is a Severity Level III problem (Section 6.3.c.4).

The NRC has concluded that information regarding the reason for these violations, the corrective actions taken to correct the violations and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in LKS Inspection Services, LLC, correspondence received by the NRC on April 29, 2015 (ML15119A569), and in NRC Inspection Report 030-36762/2015-001 (ML15092A903).

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; EA-15-034" and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region IV, 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, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Enclosure

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you are required to post this Notice within 2 working days of receipt.

Dated this ^{8th} day of June 2015