



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

December 7, 2005

Docket No. 03019600

License No. 45-19958-01

Roy F. Heltzel, Jr.
President/RSO
Health Physics Consultation
637 Kingsborough Square
Suite A
Chesapeake, VA 23320

SUBJECT: INSPECTION 03019600/2005001, HEALTH PHYSICS CONSULTATION,
CHESAPEAKE, VIRGINIA SITE AND NOTICE OF VIOLATION

Dear Mr. Heltzel:

On November 21, 2005, Michelle Beardsley of this office conducted a safety inspection at the above address of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. The findings of the inspection were discussed with you at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes each violation by severity level. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, industrial, and academic uses of nuclear material**; then **toolkit index page**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **What We Do, Enforcement**, then **Enforcement Policy**. Or you may obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

R. Heltzel
Health Physics Consultation

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Your cooperation with us is appreciated.

Sincerely,

Original signed by John D. Kinneman

John D. Kinneman, Chief
Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Commonwealth of Virginia

R. Heltzel
Health Physics Consultation

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OFFICE	DNMS/RI	N	DNMS/RI				
NAME	Mbeardsley/JDK f/		JKinneman/JDK				
DATE	11/23/2005		12/07/2005				

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NOTICE OF VIOLATION

Health Physics Consultation
Chesapeake, VA

Docket No. 03019600
License No. 45-19958-01

During an NRC inspection conducted on November 21, 2005, four 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 a licensee who transports licensed material outside of 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, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

49 CFR 172.704 (c) (2) requires that a hazmat employee receive training as required by 49 CFR 172 subpart H, at least once every three years.

Contrary to the above, the licensee did not provide training to hazmat employees at least once every three years. Specifically, for the years 2000 through 2005, the licensee did not provide training to the health physicists who transport radioactive materials and are therefore considered hazmat employees.

This is a Severity Level IV violation (Supplement VI).

- B. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of 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, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

49 CFR 172.602 (c) (1) requires in part, that the Emergency Response Information as required by 49 CFR 172 subpart H, be immediately accessible to the drivers of licensees who transport hazardous materials.

Contrary to the above, the licensee did not maintain Emergency Response Information to be immediately accessible to the drivers who transport hazardous materials. Specifically, the licensee did not maintain Emergency Response Information to be immediately accessible in the vehicles of the health physicists who transport radioactive materials.

This is a Severity Level IV violation. (Supplement VI).

- C. 10 CFR 20.1501 requires that each licensee make or cause to be made surveys that may be necessary for the licensee to comply with the regulations in Part 20 and that are reasonable under the circumstances to evaluate the extent of radiation levels, concentrations or quantities of radioactive materials, and the potential radiological hazards that could be present.

Pursuant to 10 CFR 20.1003, *survey* means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation.

Contrary to the above, as of November 21, 2005, the licensee did not make surveys to assure compliance with 10 CFR 20.1301 (a) (1) and (2), which limits radiation exposure to individual members of the public. Specifically, the licensee did not make surveys of all adjacent unrestricted areas to the room used (health physicist's office) to perform instrument calibrations using a beam calibrator containing a sealed source of approximately 100 millicuries of Cesium-137.

This is a Severity Level IV violation (Supplement VI).

- D. 10 CFR 20.1101 (c) requires the licensee to periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, the licensee did not periodically review the radiation protection program content and implementation. Specifically, the licensee did not review the radiation protection program content and implementation for the years 2001-2004.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Health Physics Consultation is hereby required to submit a written statement or explanation 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). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

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.

Notice of Violation
Health Physics Consultation

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

Dated This 7th day of December 2005