



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

September 7, 2006

Docket No. 03035413

License No. 37-30579-01

Anne d'Harnoncourte  
Director and C.E.O.  
Philadelphia Museum of Art  
Parkway at 26<sup>th</sup> Street  
P.O. Box 7646  
Philadelphia, PA 19101-7646

SUBJECT: INSPECTION 03035413/2006001, PHILADELPHIA MUSEUM OF ART,  
PHILADELPHIA, PENNSYLVANIA AND NOTICE OF VIOLATION

Dear Ms. D'Harnoncourte:

On August 30, 2006, Steven Courtemanche of this office conducted a safety inspection of 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 interviews with personnel. The findings of the inspection were discussed with Andrew Lins of your organization 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 the 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](http://www.nrc.gov); select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Toolkit Index Page**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://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 8:00 p.m. EST, Monday through Friday (except Federal holidays).

A. D'Harnoncourte  
Philadelphia Museum of Art

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Your cooperation with us is appreciated.

Sincerely,

***Original signed by James P. Dwyer***

James P. Dwyer, Chief  
Commercial and R&D Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
Andrew Lins, Radiation Safety Officer  
Commonwealth of Pennsylvania

A. D'Harnoncourte  
Philadelphia Museum of Art

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D. J. Holody, RI

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**SUNSI Review Complete: SCourtemanche**

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NAME	SCourtemanche/src		JDwyer/jpd				
DATE	09/07/2006		09/07/06				

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## NOTICE OF VIOLATION

Philadelphia Museum of Art  
Philadelphia, PA

Docket No. 03035413  
License No. 37-30579-01

During an NRC inspection conducted on August 30, 2006, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 20.1501(b) requires that licensees ensure that instruments and equipment used for quantitative radiation measurements are calibrated periodically for the radiation measured.

Contrary to the above, as of August 30, 2006, the licensee did not ensure that instruments and equipment used for quantitative radiation measurements were calibrated periodically for the radiation measured. Specifically, the licensee stated that wipe test samples taken from the Carbon-14 Beta-plate were measured with a Geiger-Mueller radiation detection survey meter. The instrument used to analyze the wipe test samples was not calibrated for Carbon-14 and was not calibrated in four years.

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

Pursuant to the provisions of 10 CFR 2.201, Philadelphia Museum of Art 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  
Philadelphia Museum of Art

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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 7 day of September 2006