



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

June 20, 2007

Docket No. 03030034

License No. 45-17293-03

Gerald Nixon
Construction Engineer
County of Henrico, Virginia
Department of Public Works
P.O. Box 27032
Richmond, VA 23273

SUBJECT: INSPECTION 03030034/2007001, COUNTY OF HENRICO, VIRGINIA, GLEN ALLEN, VIRGINIA SITE, AND NOTICE OF VIOLATION

Dear Mr. Nixon:

On June 6, 2007, Judith A. Joustra of this office conducted a safety inspection at 10431 Woodman Road, Glen Allen, Virginia 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 one of your activities was not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that describes the problem of using the incorrect identification number on the shipping papers, and incorrect category of label on the shipping package, when transporting licensed radioactive material. 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, Academic, and Industrial Uses of Nuclear Material**; then **Regulations, Guidance, and Communications Page**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC; Organization and Functions; Office of Enforcement; About Enforcement**; then **Enforcement Policy**. You may also 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).

G. Nixon
County of Henrico, Virginia

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Please contact Judy Joustra at 610-337-5355 if you have any questions regarding this matter.

Sincerely,

Original signed by Marie Miller

Marie Miller, Chief
Security and Industrial Branch
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
James E. Brooks, Radiation Safety Officer
Commonwealth of Virginia

G. Nixon
County of Henrico, Virginia

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Please contact Judy Joustra at 610-337-5355 if you have any questions regarding this matter.

Sincerely,

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Security and Industrial Branch
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Enclosure:
Notice of Violation

cc:
James E. Brooks, Radiation Safety Officer
Commonwealth of Virginia

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NAME	JJoustra/jaj		MMiller/mtm				
DATE	06/12/07		06/20/07				

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NOTICE OF VIOLATION

County of Henrico, Virginia
Richmond, VA

Docket No. 03030034
License No. 45-17293-03

During an NRC inspection conducted on June 6, 2007, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

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 171 through 189.

49 CFR 172.200(a) requires, except as otherwise provided in this subpart, each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner required by this subpart. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

49 CFR 172.202 requires, in part, that the shipping description of a hazardous material on the shipping paper must include the identification number prescribed for the material as shown in Column 4 of the 172.101 Table.

49 CFR 172.203(c)(2) requires, in part, that the letters "RQ" be entered either before or after the basic description required for each hazardous substance. 49 CFR 172.203(d) requires, in part, that the description for a shipment of radioactive material include the category of label applied to each package (e.g. Yellow II).

Contrary to the above, on at least 2 occasions during 2004, 54 occasions during 2005, 29 occasions during 2006, and 10 occasions during 2007, the licensee transported licensed material outside of the site of usage as specified on the NRC license, and on public highways and the shipping papers carried by the licensee did not include the correct identification number, the letters "RQ", or identification of the correct category of label applied to the package containing licensed radioactive material.

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

Pursuant to the provisions of 10 CFR 2.201, County of Henrico, Virginia 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.

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

Dated This 20th day of June, 2007