



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

May 18, 2009

Jerry Markham, President
Metaltek International
Carondelet Division
8600 Commercial Boulevard
Pevely, MO 63070-1528

**SUBJECT: NRC ROUTINE INSPECTION REPORT NO. 030-31524/09-01(DNMS)
AND NOTICE OF VIOLATION – METALTEK INTERNATIONAL**

Dear Mr. Markham:

This refers to the inspection conducted on April 21, 2009, at the Metaltek International, Pevely, Missouri, facility. The inspection findings were discussed with you during an exit meeting on April 21, 2009.

This inspection was an examination of 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, observations of activities, and interviews with personnel.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred involving the failure of the audible warning signal to actuate when an attempt was made to enter the permanent radiographic installation when the source was exposed, and failure to test the audible signal for proper operation each day the installation is used for radiography. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at (<http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>).

The violation is cited in the enclosed Notice of Violation (Notice). The violation is being cited in the Notice because it was identified by the inspector.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. For your consideration and convenience, an excerpt from NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," is enclosed. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

J. Markham

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth J. Lambert". The signature is written in a cursive style with a large, sweeping initial "K".

Kenneth J. Lambert, Acting Chief
Materials Inspection Branch

Docket No. 030-31524
License No. 24-26136-01

Enclosures:

1. Notice of Violation
2. Information Notice 96-28

NOTICE OF VIOLATION

Metaltek International
Pevely, Missouri

Docket No. 030-31524
License No. 24-26136-01

During an NRC inspection conducted on April 21, 2009, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 34.33(a) requires that each entrance used for personnel access to the high radiation area in a permanent radiographic installation have either an entrance control of the type described in 10 CFR 20.1601(a)(1), or both visible and audible warning signals to warn of the presence of radiation. The visible signal must be actuated by radiation whenever the source is exposed and the audible signal must be actuated when an attempt is made to enter the installation while the source is exposed.

10 CFR 34.33(b) requires, in part, that the alarm system be tested for proper operation with a radiation source each day before the installation is used for radiographic operations. The test must include a check of both the visible and audible signals.

Contrary to the above, on April 21, 2009, the audible signal for an entrance used for personnel access to the high radiation area of the licensee's permanent radiographic installation located at 8600 Commercial Boulevard, Pevely, Missouri, failed to actuate when an attempt was made to enter the installation when the source was exposed. In addition, the licensee had not tested the audible alarm system for proper operation each day before the installation was used for radiographic operations.

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

Pursuant to the provisions of 10 CFR 2.201, Metaltek International is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region III, 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 or severity level, (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.

Enclosure

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, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

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

Dated this 18TH day of May 2009.

J. Markham

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document 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.

Sincerely,

/RA/

Kenneth J. Lambert, Acting Chief
Materials Inspection Branch

Docket No. 030-31524
License No. 24-26136-01

Enclosures:

1. Notice of Violation
2. Information Notice 96-28

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