

July 24, 1996

30-31569

EA 96-250

Professional Service Industries, Inc.
ATTN: Mr. Leo Titus, RSO
2930 Eskridge Road, Suite A
Fairfax, Virginia 22031

SUBJECT: NRC INSPECTION REPORT NO. 45-25085-01/96-01 AND NOTICE OF VIOLATION

Dear Mr. Titus:

This refers to the inspection conducted on June 27-28, 1996. The inspection included a review of activities authorized for your facility. At the conclusion of the inspection, the findings were discussed with you.

The inspection was an examination of activities conducted under your license with respect to radiation safety and compliance with NRC regulations and the conditions of your license. It included selective examinations of procedures and representative records, interviews with personnel, and direct observations by the inspector.

Based on the results of this inspection, certain of your activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice). Specifically, the violations involved several failures to comply with transportation requirements. NRC considered categorizing the violations at Severity Level III in accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. Categorization of violations at Severity Level III could also include the imposition of a civil monetary penalty. However, given the unusual circumstances involved in this matter, the actual conditions under which the material was transported (i.e., stored in the back of a pickup truck with an enclosed bed and closed tailgate, sources locked in shielded position), and the candor, truthfulness and cooperation of the licensee employee involved in the incident, the violations being issued have been categorized at Severity Level IV. You should be aware that future violations of this type will be considered for escalated enforcement action in accordance with the NRC Enforcement Policy.

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. 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.

9608120127 960724
PDR ADDCK 03031569
C PDR

b b b
Jep7
JE

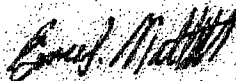
Professional Service
Industries, Inc.

2

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and any reply will be placed in the NRC Public Document Room.

Should you have any questions concerning this letter, please contact us.

Sincerely,



Bruce S. Mallett, Director
Division of Nuclear Materials Safety

Docket No. 030-31569
License No. 45-25085-01

Enclosure: Notice of Violation

cc w/encl: Commonwealth of Virginia

Distribution w/encl:

PUBLIC

RII Docket File, DNMS

B. Uryc, EICS

J. Lieberman, OE

OE:EA File (B. Summers, OE)(2)

* See attached concurrence

OFFICE	RII:DNMS	RII:DNMS	RII:EICS		
SIGNATURE					
NAME	ARJones *	CHosay *	BUryc *		
DATE	07 / 198	07 / 198	07 / 198	07 / 198	07 / 198
COPY?	YES NO	YES NO	YES NO	YES NO	YES NO

OFFICIAL RECORD COPY

DOCUMENT NAME: G:\DNMS\NLIBI\PSINOV\ARJ

NOTICE OF VIOLATION

Professional Service Industries, Inc.
Fairfax, Virginia

Docket No. 030-31569
License No. 45-25085-01
EA 96-250

During an NRC inspection conducted on June 27-28, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

A. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the confines of its plant or other place of use, 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.

1. 49 CFR 177.842 requires, in part, that packages of radioactive materials be so blocked and braced that they cannot change position during conditions normally incident to transportation.

Contrary to the above, on June 27, 1996, the licensee transported two nuclear gauges each containing 40 millicuries of americium-241 and 8 millicuries of cesium-137 outside the confines of the licensee's facility, and the gauges were not blocked and braced such that it could not change position during conditions normally incident to transportation. Specifically, the gauges were transported from one of the licensee's branch offices located in Woodbridge, Virginia to another, located in Fairfax, Virginia in the bed of a pick-up truck, without being secured against movement.

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

2. 49 CFR 177.817(a) requires that a carrier not transport a hazardous material unless it is accompanied by a shipping paper prepared in accordance with 49 CFR 172.200-203. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

Contrary to the above, on June 27, 1996, the licensee transported two nuclear gauges outside the confines of its facility without a shipping paper.

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

Enclosure

9608120131 960724
PDR ADDOCK 03031289
PDR

- B. Condition 18 of License No. 45-25085-01 states in part, that the gauge or its container must be locked when in transport, storage, or when not under direct surveillance of an authorized user.

Contrary to the above, on June 27, 1996 the licensee transported two nuclear gauges containing licensed material and during the transport neither the gauges nor their containers were locked. Also an additional gauge containing licensed material and its container which were located in the licensee's storage area were not locked.

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

Pursuant to the provisions of 10 CFR 2.201, Professional Service Industries, Inc. is hereby required to submit a written statement or explanation to the Regional Administrator, Region II, with a copy to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, 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 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.

Dated at Atlanta, Georgia
This 24th day of July, 1996

Enclosure