



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PA 19406-2713

June 28, 2017

Daniel E. Deavers, Operations Manager
Lehigh Testing Laboratories, Inc.
308 West Basin Road
P.O. Box 903
New Castle, Delaware 19720

SUBJECT: NRC INSPECTION REPORT NO. 03014700/2017001, AND NOTICE OF VIOLATION

Dear Mr. Deavers:

This letter refers to the inspection conducted on June 15, 2017, at your New Castle, DE, facility. This inspection examined activities conducted under your license as they relate to public health and safety, and the common defense and security, and to confirm 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. The findings of the inspection were discussed with you on June 15, 2017, at the conclusion of the inspection.

Based on the results of this inspection, the NRC has determined that two Severity Level IV (SLIV) violations of NRC requirements occurred; one safety-related violation and one security-related violation. These violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited in the enclosed Notices of Violation (Notices) because they were identified by the NRC. In both cases, you stated to the inspector that the violations occurred due to an oversight on your part.

The safety violation, which is cited in the enclosed public Notice (Enclosure 1), involves the licensee's failure to have the proper Radiation Area warning signs posted in one part of the facility because the signs that had been posted were painted over. The violation was assessed at SL IV because it was similar to example violation 6.3.d.3 in the NRC Enforcement Policy for a failure to implement procedures including, but not limited to, recordkeeping, surveys, and inventories.

Enclosures 2 and 3 contain Sensitive Unclassified Non-Safeguards Information. Upon separation from Enclosures 2 and 3, the transmittal letter and Enclosure 1 are decontrolled.

D. Deavers

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The second violation involved security matters that are considered sensitive information. Therefore, details of this violation are not included in this letter, but are provided in non-public enclosures. Namely, the violation is cited in the enclosed, non-public Notice (Enclosure 2), and a description of the violation and your corrective actions is provided in Enclosure 3.

For both violations, the NRC has concluded that information regarding: (1) the reasons for the violations; (2) the corrective actions taken and planned to correct the violations and prevent recurrence; and, (3) the date when full compliance will be achieved is already adequately addressed on the docket in this letter and the associated enclosures. The corrective actions you described to the inspector for the safety violation (Enclosure 1) included: (1) Lehigh Testing Laboratories, Inc.'s will install new warning signs in the affected location within 30 days of the onsite inspection; and, (2) Lehigh Testing Laboratories, Inc. will ensure that any future maintenance performed on the building does not affect the licensee's compliance with NRC's regulations or the conditions of the license. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notices.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, 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>. However, Enclosures 2 and 3 contain security-related information in accordance with 10 CFR 2.390(d)(1) and disclosure of that information to unauthorized individuals could present a security vulnerability. Therefore, those enclosures will not be made available electronically for public inspection in the NRC Public Document Room or from ADAMS. To the extent possible, your response should not include any personal privacy, proprietary, security-related, or safeguards information, so that it can be made available to the public without redaction.

Current NRC regulations and guidance are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Med, Ind, & Academic Uses**; then **Regulations, Guidance and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC, Organizations & Functions; Office of Enforcement; Enforcement documents**; then **Enforcement Policy (Under 'Related Information')**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 8:00 a.m. to 5:30 p.m. EST, Monday through Friday (except Federal holidays).

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If you have any questions regarding this matter, please contact Scott Wilson of my staff at 610-337-5136 or via electronic mail at scott.wilson@nrc.gov.

Thank you for your cooperation.

Sincerely,

/RA/

Blake Welling, Chief
Commercial, Industrial, R&D
and Academic Branch
Division of Nuclear Materials Safety

Docket No. 03014700
License No. 07-01173-03

Enclosures:

1. Notice of Violation (public)
2. Notice of Violation (non-public)
3. Determination of Severity Level
and Description of Corrective Actions (non-public)

cc w/ Enclosure 1 only: State of Delaware

ENCLOSURE 1: NOTICE OF VIOLATION

Lehigh Testing Laboratories, Inc.
New Castle, DE

Docket No. 03014700
License No. 07-01173-03

During an NRC inspection conducted on June 15, 2017, one violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Condition 17 of NRC License No. 07-01173-03, requires, in part, that the licensee shall conduct its program in accordance with the statements, representations, and procedures contained in the license application dated May 2, 2011. Item 9 of the license application describes the licensee's facilities and equipment, and, in part, includes special restrictions for the roof above the radiation cell. Paragraph (D) states that the Radiographer shall assure that warning signs (reading "Danger – Radiation Area") are affixed to the top edges of the walls where ladder access to the roof could be made.

Contrary to the above, between December 2015, and June 15, 2017, Lehigh Testing Laboratories, Inc. did not assure that warning signs were affixed to the top edges of the walls where ladder access to the roof could be made. Specifically, the signs in the rear exterior of the building had been painted over when the building was painted in December of 2015.

This is a Severity Level IV violation (Enforcement Policy Section 6.3).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance will be achieved is already adequately addressed on the docket. However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region 1, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

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.

If you choose to respond, your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, security-related, or safeguards information so that it can be made publically available without redaction.

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

Dated This 28th day of June 2017