

APPENDIX A  
NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTIES

Met Lab, Incorporated  
Hampton, Virginia

License No. 45-09963-01  
EA 81-51

As a result of an NRC inspection conducted on March 25 and April 10, 1981, the violations listed below were identified. In accordance with the Interim Enforcement Policy (45 FR 66754) October 7, 1980, the Nuclear Regulatory Commission proposes to impose civil penalties pursuant to Section 234 of the Atomic Energy Act of 1954 as amended, ("Act"), 43 USC 2282, PL 96-295 and 10 CFR 2.205 in the amounts set forth for the violations listed in Section I below.

I. CIVIL PENALTY VIOLATIONS

- A. 10 CFR 20.101(b)(1) restricts the total occupational radiation dose to the whole body of each individual to three rems during any calendar quarter.

Contrary to the above, one individual received a total occupational radiation dose to the whole body of approximately 3.39 rems in the calendar quarter ending March 31, 1981.

This is a Severity Level III Violation (Supplement IV.)

(Civil Penalty -\$2,000)

- B. 10 CFR 34.33(d) requires that if an individual's pocket dosimeter is discharged beyond its range, his film badge or TLD shall be immediately sent for processing.

Condition 16 of your license requires that licensed material be used in accordance with statements and procedures contained in your application dated March 29, 1974 as amended May 16, 1974. One procedure contained in your license amendment dated May 16, 1974, requires that if an individual discovers his dosimeter has gone off scale, he shall immediately leave the radiation area and notify the Radiation Safety Officer.

Contrary to the above, during January 1981, a radiographer, after discovering his dosimeter was off scale, failed to notify the Radiation Safety Officer and continued to work in a radiation area. As a result, the radiographer's film badge was not immediately sent for processing.

This is a Severity Level III Violation (Supplement VII.)

(Civil Penalty -\$2,000)

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II. VIOLATIONS NOT ASSESSED CIVIL PENALTIES

- A. 10 CFR 34.43(b) requires a survey with a radiation survey instrument after each radiographic exposure to determine that the sealed source has been returned to its shielded position. The entire circumference of the radiographic exposure device shall be surveyed. If the radiographic exposure device has a source guide tube, the survey shall include the guide tube.

Contrary to the above, on March 25, 1981, surveys to determine that the sealed source had returned to its shielded position were not performed after several radiographic exposures completed at a temporary job site at NASA-Langley, Virginia.

This is a Severity Level IV Violation (Supplement VII.)

- B. 10 CFR 34.27 requires that Utilization Logs be maintained for each sealed source. This Utilization Log shall contain a description of the radiographic exposure device in which the sealed source is located, the identity of the radiographer to whom assigned, and the plant or site where used and dates of use.

Contrary to the above, during January 1981 a utilization log was not maintained for one sealed source in a radiographic exposure device used at a temporary job site in Hampton, Virginia.

This is a Severity Level V Violation (Supplement VII.)

- C. 10 CFR 20.408(b) and 10 CFR 20.409(b) require that when an individual terminates employment, the licensee shall furnish to the NRC and to the individual, a report of the individual's exposures to radiation and radioactive material incurred during the period of employment. Such report shall be furnished within 30 days after the exposure of the individual has been determined by the licensee or 90 days after the date of termination of employment, whichever is earlier.

Contrary to the above, exposure reports for two individuals who terminated employment with Met Lab, Inc., in April 1980 were not furnished to the USNRC or the individuals.

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

- D. 10 CFR 34.11(d) requires that records of the licensee's internal inspections be retained for a period of two years.

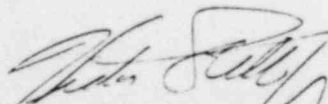
Contrary to the above, such records were not retained for 1979 or 1980.

This is a Severity Level VI Violation (Supplement VII.)

Pursuant to the provisions of 10 CFR 2.201, Met Lab, Incorporated, is hereby required to submit to this office within thirty days of the date of this Notice, a written statement or explanation in reply, including for each alleged violation: (1) admission or denial of the alleged violation; (2) the reasons for the violation if admitted; (3) the corrective steps which have been taken and the results achieved; (4) corrective steps which will be taken to avoid further violations; and (5) the date when full compliance will be achieved. Consideration may be given to extending your response time for good cause shown. Under the authority of Section 182 of the Atomic Energy Act of 1954 as amended, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, Met Lab, Incorporated may pay the civil penalties in the cumulative amount of Four Thousand Dollars or may protest the imposition of the civil penalties in whole or in part by a written answer. Should Met Lab, Incorporated fail to answer within the time specified, this office will issue an order imposing the civil penalties in the amount proposed above. Should Met Lab, Incorporated elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalties, such answer may: (1) deny the violations listed in this Notice in whole or in part; (2) demonstrate extenuating circumstances; (3) show error in this Notice; or (4) show other reasons why the penalties should not be imposed. In addition to protesting the civil penalties in whole or in part, such answer may request remission or mitigation. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate by specific reference (e.g., giving page and paragraph numbers) to avoid repetition. Met Lab, Incorporated's attention is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing civil penalties.

Upon failure to pay any civil penalty due which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, the matter may be referred to the Attorney General and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 USC 2282.

  
Victor Stello, Jr., Director  
Office of Inspection and Enforcement