

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Testmaster Inspection Company, Inc.
Perrysburg, Ohio

Docket No. 030-29789
License No. 34-24871-01
EA 90-001

During an NRC Inspection conducted during the period December 7 through December 27, 1989, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1989) the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

1. Violations Assessed a Civil Penalty

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

Contrary to the above:

1. On December 6, 1989, an individual failed to survey a radiographic exposure device after each radiographic exposure. As a result, the individual locked the exposure device without realizing that the source had remained in an exposed position.
 2. On three occasions on December 7, 1989, an assistant radiographer failed to survey the circumference of the exposure device and the source guide tube after each radiographic exposure.
- B. License Condition No. 18 requires that the licensee conduct its program in accordance with the statements, representations, and procedures contained in the application dated March 6, 1987 and other referenced documents.

The application dated March 6, 1987 gives detailed instructions for safely operating a crank out type device (radiographic exposure device). Section 10.3.1.(11) states: "At end of exposure, retract source into the exposure device by reversing the cranking action."

Contrary to the above, on December 6, 1989 an individual failed to retract the source into the exposure device at the end of an exposure.

- C. License Condition No.18 requires that the licensee conduct its program in accordance with the statements, representations, and procedures contained in the letter dated May 15, 1987, (identified as a letter dated May 18, 1987, on the license based on a receipt date stamp) and other referenced documents.

Paragraph 5.1.5 of the May 15, 1987 (date stamped May 18, 1987), letter requires, in part, that if an individual's pocket dosimeter goes off scale and if the source is in the exposed position, the Radiation Safety Officer or Assistant Officer shall be notified immediately for instructions pertaining to the conditions of the dosimeter and the source.

Contrary to the above, on December 6, 1989, the radiographer's and radiographer's assistant's dosimeters were off scale, the source was in an exposed position, and neither the Radiation Safety Officer nor the Assistant Officer were notified immediately for instructions pertaining to the conditions of the dosimeters and the sources.

Collectively, these violations have been classified as a Severity Level III problem (Supplement VI)

Cumulative Civil Penalty - \$3,750 (assessed equally among the three violations)

II. Violation Not Assessed a Civil Penalty

10 CFR 34.31(c) requires that records of field examinations of a radiographer's assistant be maintained for three years.

Contrary to the above, as of the date of the inspection, records of the field examination for a radiographer's assistant given on October 9, 1989, and for a second radiographer's assistant given on November 9, 1989, were not maintained.

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

Pursuant to the provisions of 10 CFR 2.201, Testmaster Inspection Company, Inc. (Licensee) is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice. This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation; (2) the reasons for the violation if admitted; (3) the corrective steps that have been taken and the results achieved; (4) the corrective steps that will be taken to avoid further violations; and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order may be issued to show cause why the license should not be modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required under 10 CFR 2.201, the Licensee may pay the civil penalty by letter to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, with a check, draft, or money order payable to the Treasurer of the United States in the amount of the civil penalty proposed above, or may protest imposition of the civil penalty in whole or in part by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within the time specified, an order imposing the civil penalty will be issued. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may:

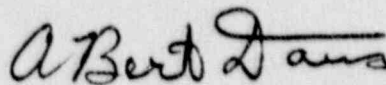
- (1) deny the violations listed in this Notice in whole or in part;
- (2) demonstrate extenuating circumstances; (3) show error in this Notice; or
- (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty, in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the factors addressed in Section V.B of 10 CFR Part 2, Appendix C, should be addressed. 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 parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty due which subsequently has been determined in accordance with the applicable provision of 10 CFR 2.205, this 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 U.S.C. 2282c.

The responses to the Director, Office of Enforcement, noted above (Reply to a Notice of Violation, letter with payment of civil penalty, and Answer to a Notice of Violation) should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region III, U.S. Nuclear Regulatory Commission, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

FOR THE NUCLEAR REGULATORY COMMISSION



A. Bert Davis
Regional Administrator

Dated at Glen Ellyn, Illinois
this 13th day of February 1990