

APPENDIX

NOTICE OF VIOLATION

CBI Industries, Inc.
Houston, Texas

Docket: 30-09727/90-01
License: 42-13553-02

During an NRC inspection conducted on January 12, 1990, 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) (Enforcement Policy), the violations are listed below:

1. 10 CFR 20.201(b) requires that each licensee make or cause to be made such surveys as: (1) may be necessary for the licensee to comply with the regulations in 10 CFR Part 20, and (2) are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

10 CFR 20.101(a) generally limits the permissible occupational exposure to the whole body to 1 1/4 rems per calendar quarter.

Contrary to the above, the radiation exposure records for three radiographers, covering periods between April and August 1989, indicated that personal monitoring devices had not been returned for processing; and as of January 12, 1990, the licensee had not performed evaluations to determine the radiation exposure received by these three individuals.

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

2. 10 CFR 20.401(a) requires that each licensee maintain records showing radiation exposures on Form NRC-5, in accordance with the instructions contained in that form, or on clear and legible records containing all the information required by Form NRC-5.

Contrary to the above, during an inspection conducted on January 12, 1990, the inspector determined that the licensee had failed to maintain the required exposure records for a radiographer working with licensed materials during April 1989.

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

3. License Condition 17 requires, in part, that the licensee shall conduct its program in accordance with statements, representations, and procedures contained in the application dated December 1, 1978; and letters dated February 12, 1979; April 28 and May 15, 1981; October 1, 1982; November 4, 1983; May 17 and August 24, 1984; April 30 and July 31, 1985; and July 7, 1986.

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Item 2.7.4 of the "Isotope Radiation Safety Manual," enclosed with the letter dated July 31, 1985, specifies that district radiation safety officers (RSO) or their assistants will conduct quarterly jobsite inspection checks of radiographic operators to determine that license provisions and NRC regulations are followed. These inspections are to be documented on the licensee's Radiography Internal Inspection Checklist and maintained by the RSO for review.

Contrary to the above, during a review of these records conducted on January 12, 1990, the inspector determined that one radiographer had worked in Pennsylvania during the second quarter of 1989 and had not been inspected within the previous 3 months. A second radiographer had worked in West Virginia and Pennsylvania during the second, third, and fourth quarters of 1989, when last inspected on December 8, 1988. A third radiographer had worked in Pennsylvania during August 1989 when last inspected in September 1988.

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

Pursuant to the provision of 10 CFR 2.201, CBI Industries, Inc., is hereby required to submit to this office, within 30 days of the date of the letter transmitting this Notice, a written statement or explanation in reply, including for each violation: (1) the reason for the violation if admitted, (2) the corrective steps which have been taken and the results achieved, (3) the corrective steps which will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending the response time.

Dated at Arlington, Texas,
this 15th day of February 1990