

November 3, 1981



SECY-81-627

ADJUDICATORY ISSUE

(Affirmation)

For: The Commission

From: James A. Fitzgerald
Assistant General Counsel

Subject: ISSUANCE OF NOTICE OF HEARING IN CIVIL
PENALTY ACTION

Facility: Met Lab, Inc., Hampton, Virginia

Purpose:

Discussion: On August 14 the Office of Inspection and Enforcement imposed a \$3,000 civil penalty against Met Lab, Hampton, Virginia. A description of the cited infractions is found in the enforcement notice (Attachment 1). That order provided the licensee an opportunity to request a hearing. The licensee availed itself of this opportunity on September 11. We have consulted with the Chief Administrative Judge of the Licensing Board Panel for designation of the Administrative Law Judge and provide for your approval a staff-proposed Notice of Hearing (Attachment 2). In


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Mark E. Chopko, GC
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Information in this record was deleted
in accordance with the Freedom of Information
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Recommendation:


James A. Fitzgerald
Assistant General Counsel

Attachments:

1. EN-81-19A
2. Proposed Notice of Hearing

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Commissioners' comments or consent should be provided directly to the Office of the Secretary by c.o.b. Friday, November 20, 1981.

Commission Staff Office comments, if any, should be submitted to the Commissioners NLT November 13, 1981, with an information copy to the Office of the Secretary. If the paper is of such a nature that it requires additional time for analytical review and comment, the Commissioners and the Secretariat should be apprised of when comments may be expected.

This paper is tentatively scheduled for affirmation at an open meeting during the week of November 23, 1981. Please refer to the appropriate Weekly Commission Schedule, when published, for a specific date and time.

ATTACHMENT 1

R

August 14, 1981

OFFICE OF INSPECTION AND ENFORCEMENT
 NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

EN-81-19A

Licensee: Met Lab, Incorporated, Hampton, Virginia
 License No. 45-09963-01

Subject: IMPOSITION OF CIVIL PENALTIES - \$3,000

By EN-81-19, dated June 1, 1981, the Commission was notified of the intent of IE to issue a Notice of Violation and Proposed Imposition of Civil Penalties in the amount of Four Thousand Dollars to Met Lab, Incorporated. The proposed penalties were based on alleged violations relating to radiation exposure to a radiographer in excess of NRC limits, and failure to have the film badge immediately processed after his pocket dosimeter discharged beyond its range during the conduct of radiographic operations. Four other violations not related to the overexposure were also found for which no civil penalties were proposed.

The licensee responded to the Notice in a letter, with enclosures, dated July 3, 1981. After consideration of the licensee's response, the IE Staff concluded that all but one violation did occur and no adequate reasons were given for mitigation or remission of the civil penalties, except for one violation that was mitigated by one-half (failure of the radiographer to report that his pocket dosimeter had discharged beyond its range by active concealment of this fact to the licensee). Mitigation of this item was based on limited management involvement or responsibility for its occurrence. One other violation not assessed a civil penalty was withdrawn (the item associated with failure to maintain records of internal inspection of radiographic operations). Accordingly, an Order Imposing Civil Penalties in the amount of Three Thousand Dollars has been issued today. The licensee and the State of Virginia are being informed by telephone.

Since this matter was the subject of a news release at the time the civil penalty was proposed, no news release will be made at this time.

Under the terms of the Order, the licensee may, within 30 days of the date of the Order, pay the civil penalties or request a hearing.

Contact: J. Metzger, IE 24941 R. Wessman, IE 24900 D. Thompson, IE 24909

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NOT FOR PUBLIC DISCLOSURE UNTIL August 14, 1981

ATTACHMENT 2

W/H's

Ex. 5