

APPENDIX A

NOTICE OF VIOLATION

MSI Testing, Inc.

Docket: 30-12265
License: 43-17142-01

As a result of the inspection conducted on March 4-5, 1982, and in accordance with the NRC Enforcement Policy (10 CFR Part 2, Appendix C), 47 FR 9987 (March 9, 1982), the following violations were identified:

1. License Condition 18 requires, in part, that the licensee shall possess and use licensed material in accordance with statements, representations, and procedures contained in application dated August 6, 1976, and amended by letter dated November 1, 1979. Procedure MSI-RT-502 "Training and Qualification of Radiography Personnel" contained in amendment letter dated November 1, 1979, requires, in part, that (1) new employees with no previous experience in radiography or health physics, shall be required to perform radiography as a Radiographer's Assistant (after satisfactory completion of the Radiographer's Assistant Examination) for a period of not less than 6 months (5.1); (2) new employees with less than 6 months experience as a qualified Radiographer shall be required to perform radiography as a Radiographer's Assistant for a period of not less than 3 months (5.2); (3) each applicant for the position of Radiographer shall be given a written examination consisting of 50 questions and must attain a minimum score of 85% to qualify (4.4.2(a),(c)); and (4) each applicant for the position of Radiographer shall also be required to demonstrate his proficiency in using equipment related to radiographic operations (4.4.2(b)).

Contrary to this requirement, Individual A (hired with 3 months previous experience as a qualified radiographer), performed as an assistant radiographer for a period that was 2 weeks less than the required 3 months prior to acting as a radiographer on January 4-8, 1982.

Contrary to this requirement, Individual B (hired with no previous experience) acted as an assistant radiographer for less than the required 6 month period before performing as a radiographer on July 22, 23, 27, 30, and 31, 1981. In addition, this individual scored 80% on the radiographer's examination which requires a passing score of 85%.

Contrary to this requirement, Individual C did not demonstrate proficiency in using equipment related to radiographic operations (specifically the exposure devices) prior to performing as a radiographer on numerous occasions from October 20, 1981, to November 20, 1981.

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

2. 10 CFR 20.101(a) requires the licensee to limit the whole body exposure of an individual in a restricted area to one and one-quarter rems per calendar quarter, except as provided in Paragraph (b) of that section. Paragraph (b) allows a whole body exposure of 3 rems per calendar quarter provided certain specified conditions are met. One of these conditions is that you determine the individual's accumulated occupational dose to the whole body on a signed NRC-4 Form, or on an equivalent record containing the same information.

Contrary to this requirement, the licensee did not limit to one and one-quarter rems, the exposure of one individual for whom there was no signed NRC-4 or equivalent record. (Individual D - 1644 mrem (film), 1854 mrem (dosimeter), July 1, 1981, to October 1, 1981).

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

3. 10 CFR 34.33(a) requires, in part, that the licensee shall not permit any individual to act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, each such individual wears a direct reading pocket dosimeter and either a film badge or a thermoluminescent dosimeter (TLD).

Contrary to this requirement, Individual A acted as radiographer's assistant from September 30, 1981, to November 1, 1981, without a corresponding report of film badge or TLD exposure to account for this period.

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

4. 10 CFR 71.12(b)(1)(i) requires, in part, that a licensee who transports Type B quantities of licensed material shall have a copy of the specific license, certificate of compliance, or other approval authorizing use of the package.

Contrary to this requirement, such documents were not maintained for the Type B quantities of iridium-192 transported to temporary job sites in containers with serial numbers 1080, 2020, 403, and source changer models C10 and 650.

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

5. 10 CFR 20.102(a) requires each licensee to obtain for each individual, prior to first entry of the individual into the licensee's restricted area under such circumstances that the individual will receive or is likely to receive in any period of one calendar quarter an occupational dose in excess of 25 percent of the applicable standards specified in 10 CFR 20.101(a) a written, signed, statement disclosing: (1) that the individual had no prior occupational dose during the current quarter, or (2) the nature and amount of any occupational dose which the individual may have received during the specifically identified current calendar quarter from sources of radiation possessed or controlled by other persons.

Contrary to this requirement, no such written, signed statements were obtained by the licensee for 10 individuals who during the period from December 11, 1980, to March 4, 1982, entered the licensee's restricted area under such conditions that they were likely to exceed 25 percent of the standards specified in 10 CFR 20.101(a).

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

Pursuant to the provisions of 10 CFR 2.201, MSI Testing, Inc., is hereby required to submit to this office, within 30 days of the date of this Notice, a written statement or explanation in reply, including:

- (1) the corrective steps which have been taken and the results achieved;
- (2) the corrective steps which will be taken to avoid further violations; and
- (3) the date when full compliance will be achieved.

Consideration may be given to extending your response time for good cause shown.

Dated July 21, 1982