

APPENDIX
NOTICE OF VIOLATION

Mattingly Testing Services, Inc.
Great Falls, Montana 59403

Docket: 030-20836
License: 25-21479-01

During an NRC inspection conducted on February 10, 1994, four 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, the violations are listed below:

- A. 10 CFR 34.33(f)(4) requires that alarm ratemeters be calibrated at periods not to exceed one year for correct response to radiation: Acceptable ratemeters must alarm within plus or minus 20 percent of the true radiation dose rate.

Contrary to the above, four Dosimeter Corporation Model 18c alarm ratemeters, serial numbers 665 through 668, were not calibrated between November 30, 1990, and June 1993, a period that exceeded one year.

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

- B. 10 CFR 34.31(c) requires that records of training of radiographers and radiographer's assistants, including copies of written tests and dates of oral tests and field examinations, be maintained for three years.

Contrary to the above, on February 10, 1994, no records or copies of written tests were maintained for two individuals who were currently working as radiographers.

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

- C. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the confines of its plant or other place of use, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Parts 170 through 189.

1. 49 CFR 172.403(c) defines the categories of labels to be applied to radioactive materials packages and requires, in part, that: (1) packages with a transport index (T.I.) less than or equal to 1.0 be labeled "Yellow-II," and (2) packages with a T.I. greater than 1.0 be labeled "Yellow-III."

Contrary to the above, as of February 10, 1994, the licensee had transported outside the confines of its authorized locations of use licensed material, Iridium-192, in a package that was improperly labeled. Specifically, the package had a T.I. of 1.5 and was labeled "Yellow-II," instead of "Yellow-III."

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

2. 49 CFR 172.324(b) requires that for each non-bulk package that contains a hazardous substance the letters "RQ" shall be marked on the package in association with the proper shipping name.

49 CFR 172.203(c) requires that the letters "RQ" be entered on the shipping paper either before or after the basic description required for each hazardous substance. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

Contrary to the above, as of February 10, 1994, the licensee had transported outside the confines of its authorized locations of use licensed material, Iridium-192, and the letters "RQ" were not marked on the package in association with the proper shipping name and were not entered either before or after the description on the shipping paper that the licensee used to accompany the shipment.

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

Pursuant to the provisions of 10 CFR 2.201, Mattingly Testing Services, Inc., is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information 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. Where good cause is shown, consideration will be given to extending the response time.

Dated at Arlington, Texas
this 23rd day of February 1994