

APPENDIX

NOTICE OF VIOLATION

Met-Chem Testing Laboratories of Utah, Inc.
Salt Lake City, Utah 84115-3440

Docket: 030-32304
License: 43-27362-01

During an NRC inspection conducted on March 2, 1994, two 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 34.11(d)(1) requires, in part, that an applicant have an inspection program that requires the observation of the performance of each radiographer and radiographer's assistant during an actual radiographic operation at intervals not to exceed 3 months.

License Condition 18 incorporated the inspection program containing the requirements stated in 10 CFR 34.11(d)(1) as submitted in the licensee's application dated September 14, 1992 and the letter dated February 19, 1993, into License 43-27362-01.

Contrary to the above, the licensee had not observed the performance of radiographers and radiographer's assistants involved in radiographic operations at intervals not to exceed 3 months. For example, the performance of three radiographers had not been observed during the respective intervals of August 20, 1993, to January 14, 1994; August 20, 1993, to January 4, 1994; and September 10, 1993, to January 27, 1994. Each of these intervals were in excess of 3 months.

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

- B. 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.

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, between January 31 and February 26, 1994, the licensee transported outside the confines of its plant 100 Curies of cobalt-60 in a package that was improperly labeled. Specifically, the package had a "Yellow-II" label and marked with a T.I. of 1 when a T.I. of 4 had been previously measured and also confirmed during the inspection. This package should have been labeled "Yellow-III."

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

Pursuant to the provisions of 10 CFR 2.201, Met-Chem Testing Laboratories of Utah, 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 15th day of March 1994