

ENCLOSURE

NOTICE OF VIOLATION

Nova Data Testing, Inc.
Hopewell, Virginia

Docket No. 030-29540
License No. 45-24872-01

During an NRC inspection conducted February 15, 1994, 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 20.1302(a) requires, in part, that the licensee make or cause to be made, as appropriate, surveys of radiation levels in unrestricted areas to demonstrate compliance with the dose limits for individual members of the public in 10 CFR 20.1301.

Contrary to the above, as of February 15, 1994, the licensee had not demonstrated compliance with the dose limits for individual members of the general public. Specifically, the licensee had not monitored the exposure to an individual who works in the unrestricted area adjacent to the exposure device storage room to ensure that the annual dose to this individual did not exceed the annual dose limits for members of the general public.

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.

1. 49 CFR 172.403 requires, in part, with exceptions not applicable here, that each package of radioactive material be labeled, as appropriate, with a RADIOACTIVE WHITE-I, a RADIOACTIVE YELLOW-II, or a RADIOACTIVE YELLOW-III label. The contents, activity, and transport index must be entered in the blank spaces on the label; and each package must have two labels, affixed to opposite sides of the package.

Contrary to the above, on numerous occasions prior to February 15, 1994, the licensee transported outside the confines of its plant a radioactive material transportation package without the required transportation label. Specifically, the licensee transported a radiographic exposure device, Amersham model 660B serial no. B1678, containing iridium-192 without a RADIOACTIVE YELLOW-II or RADIOACTIVE YELLOW-III transportation label.

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

2. 49 CFR 173.416(a) states, in part, that any Type B, Type B(U) or Type B(M) packaging that meets the applicable requirements in the regulations of the U.S. Nuclear Regulatory Commission (10 CFR 71) and that has been approved by that Commission is authorized for the shipment of quantities exceeding A_1 or A_2 as appropriate.

Contrary to the above, on numerous occasions between April 30, 1987 and the date of the inspection, the licensee transported quantities of iridium-192 that exceeded the A_1 quantity in transportation packages that were not authorized as Type B packages. Specifically, Gamma Century exposure devices, serial nos. 2960 and 2931, respectively, were described in Certification of Compliance No. 9135, which expired on April 30, 1987, and are no longer authorized as Type B transportation packages.

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

Pursuant to the provisions of 10 CFR 2.201, Nova Data Testing, Inc., is hereby required to submit a written statement or explanation to the Regional Administrator, Region II, with a copy to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, 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 demand for information may be issued as to 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 Atlanta, Georgia
This 17th day of March, 1994