

ENCLOSURE

NOTICE OF VIOLATION

Froehling and Robertson, Inc.
Richmond, Virginia

Docket No. 030-06580
License No. 45-08890-02

During an NRC inspection conducted March 8 and 11, 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 March 11, 1994, the licensee had not demonstrated compliance with the dose limits for individual members of the general public. Specifically, dose rates of up to 1.3 millirem per hour at 30 centimeters were identified in areas where access to the general public was not controlled and the licensee had not demonstrated by survey or calculation that a member of the general public would not exceed an exposure limit.

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

- B. Condition 19 of License 45-08890-02 requires, in part, that the licensee possess and use licensed material in accordance with statements, representations and procedures contained in an application dated May 29, 1991.

Item 6.2.1.1.a. of the application dated May 29, 1991 states that the gauge or gauges will be locked when in permanent storage.

Contrary to the above, on March 11, 1994, four Troxler gauges, Serial Nos. 5911, 10183, 11058 and 17103, respectively, containing approximately 8 millicuries of cesium-137 and 40 millicuries of americium-241 were in permanent storage and neither the shipping case or the gauge was locked.

This is a Severity Level IV 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 172.301(a) requires, in part, that each person who offers for transportation a hazardous material in a non-bulk package shall mark the package with the proper shipping name and identification number.

49 CFR 172.310 requires, in part, that each package of radioactive material which conforms to the requirements for Type A packaging be marked with the words "TYPE A".

49 CFR 172.324(b) requires that the letters "RQ" shall be marked on the package in association with the proper shipping name.

49 CFR 178.350-3 requires, in part, that each packaging that meets the design and construction standards for Type A packaging be marked on the outside as follows: "USA DOT 7A TYPE A" and "Radioactive Material".

Contrary to the above, on numerous occasions up to March 10, 1994, Troxler gauge Serial No. 17103 containing approximately 8 millicuries of cesium-137 and 40 millicuries of americium-241 was offered for shipping and the shipping container did not contain the following required markings: proper shipping name, identification number, "Type A", the letters "RQ", "USA DOT 7A Type A" and "Radioactive Material". Specifically, the tag containing the required markings had been replaced with a "RADIOACTIVE YELLOW-II" label.

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

2. 49 CFR 172.303(a) requires, in part, that no person may offer for transportation or transport a package which is marked with the proper shipping name or identification number of a hazardous material unless the package contains the identified hazardous material.

49 CFR 172.401 requires, in part, that no person may offer for transportation and no carrier may transport any package bearing a label specified in this subpart unless the package contains a material that is a hazardous material.

Contrary to the above, on numerous occasions up to March 11, 1994, the licensee transported empty Type A shipping cases with specification markings and "RADIOACTIVE YELLOW-II" labels in the back of licensee vehicles and the Troxler gauges were stored in the permanent storage location.

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

Pursuant to the provisions of 10 CFR 2.201, Froehling and Robertson, Inc. is hereby required to submit a written statement or explanation to the Regional

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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 24th day of March, 1994