

ENCLOSURE

NOTICE OF VIOLATION

The Fenton Art Glass Company  
Williamstown, West Virginia

Docket No. 040-03149  
License No. SUB-491

During an NRC inspection conducted on November 4, 1990, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1990), the violation is listed below:

10 CFR 20.201(b) requires that each licensee make such surveys as may be necessary to comply with the requirements of Part 20 and which are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. As defined in 10 CFR 20.201(e), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

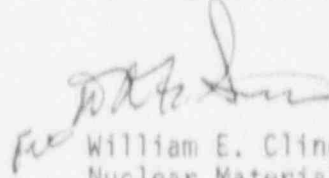
Contrary to the above, the licensee did not make surveys to determine that individuals were not exposed to airborne concentrations exceeding the limits specified in 10 CFR 20.103. Specifically, between October 9, 1989 and November 14, 1990, the licensee failed to evaluate the effect of an approximately thirty-fold increase in the use of uranium oxide powder on the potential for increased airborne activity and the spread of contamination.

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

Pursuant to the provisions of 10 CFR 2.201, The Fenton Art Glass Company 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 II, 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: (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 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.

FOR THE NUCLEAR REGULATORY COMMISSION



William E. Cline, Chief  
Nuclear Materials Safety and  
Safeguards Branch  
Division of Radiation Safety  
and Safeguards

Dated at Atlanta, Georgia  
this 17<sup>th</sup> day of December 1990