

ENCLOSURE
NOTICE OF VIOLATION

Material Testing Laboratories, Inc.
Norfolk, Virginia

Docket No. 030-12279
License No. 45-17151-01

During an NRC inspection conducted April 21-22, 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 20.1501 requires that each licensee make or cause to be made surveys that may be necessary for the licensee to comply with the regulations in Part 20 and that are reasonable under the circumstances to evaluate the extent of radiation levels, concentrations or quantities of radioactive materials, and the potential radiological hazards that could be present. Pursuant to 10 CFR 20.1003, *survey* means an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation.

Contrary to the above, as of April 21, 1994, the licensee did not make adequate surveys to assure compliance with 10 CFR 20.1301, which limits radiation levels in an individual, continuously present in an unrestricted area, to less than 0.002 rem (0.02 millisieverts) in an hour and limits the total effective dose equivalent to an individual member of the public to less than 0.1 rem (1 millisievert) in a year. Specifically, the licensee's surveys were performed with instruments which were improperly calibrated in that, backscatter from steel plates on which the instruments were calibrated was not considered when calibrating the survey instruments; as a result, the licensee's survey instruments indicated radiation levels approximately 50% below the actual levels.

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

- B. 10 CFR 20.1301(a)(2) requires that the licensee conduct operations so that the dose rate in any unrestricted area from external sources does not exceed 2 millirems in any one hour.

Contrary to the above, on April 21, 1994, licensee operations resulted in a dose rate of approximately 2.5 millirems in one hour outside the camera storage area, an unrestricted area.

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

- C. 10 CFR 71.12 states, in part, that a general license to transport licensed material, or to deliver licensed material to a carrier for transport, applies only to a licensee who has a quality assurance

program approved by the Commission as satisfying the provisions of subpart H of 10 CFR Part 71; has a copy of the specific license, certificate of compliance, or other approval of the package; and submits in writing to NRC, prior to the first use of the transport package, the licensee's name, license number, and package identification number.

Contrary to the above, between February 1 and April 21, 1994, the licensee transported licensed material consisting of a cobalt-60 radiography source under the general license pursuant to 10 CFR 71.12, and the licensee did not have a copy of the certificate of compliance, or other approval of the source's Type B transport package.

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

Pursuant to the provisions of 10 CFR 2.201, Material Testing Laboratories, 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 12th day of May 1994