

APPENDIX A

NOTICE OF VIOLATION

B & B X-Ray and Inspection
2015 Westwind Drive, #10
Bakersfield, CA 93301

Docket No. 15000004
Inspection Report No. 90-001

During an NRC inspection conducted on February 2 - 12, 1990, of activities carried out under the general license provisions of 10 CFR 150.20, at the Vandenberg Air Force Base, California (Vandenberg AFB), violations of of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Action, "10 CFR 2, Appendix C (1990), the violations are listed below:

10 CFR 150.20(b)(1), in part, provides that any person holding a specific license from an Agreement State, and who engages in activities in non-Agreement States or areas under Federal jurisdiction under a general license established by 10 CFR 150.20, is subject to the provisions of 10 CFR 19, 20, 30.41, 30.51, Subpart B of 34, and 71. Also, 10 CFR 150.20(b)(4) requires any person operating under the general license to comply with all terms and conditions of the specific license issued by the Agreements State. B & B X-Ray and Inspection possess a current Agreement State Licensee from the State of California (No. 5368-1) to perform radiography activities.

- A. 10 CFR 34.22(a) states, in part, that "during radiographic operations, the sealed source assembly shall be secured in the shielded position each time the source is returned to that position."

Agreement State License Condition 13, states, in part, that "the licensee shall conduct its program in accordance with the procedures referred to in the license application with attachments dated July 29, 1989." Section II, paragraph 2.19.6 of the Quality Assurance Manual, attached to the license application dated July 29, 1989, requires that the sealed source to be secured within the Gamma Century S radiographic exposure device by depressing the device lock plunger.

Contrary to the above, on February 2, 1990, at Vandenberg AFB, a licensee employee failed to secure a 56 curie iridium-192 sealed source in the shielded position of a Gamma Century S radiographic exposure device (Serial No. 2670). Specifically, the radiographer failed to depress the device lock plunger on each of three occasions when the source was returned to the shielded position.

This is a Severity Level IV Violation (Supplement VI)

- B. 10 CFR 34.43(b) requires that the entire circumference of the radiographic exposure device be surveyed with a calibrated and operable radiation survey instrument after each exposure to determine that the sealed source has been returned to its shielded position. Also, 10 CFR 34.43(b) requires that if the exposure device has a source guide tube, the survey must include the guide tube.

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Contrary to the above, on February 2, 1990, at Vandenberg AFB, a licensee employee did not survey around the entire circumference of the Gamma Century S radiographic exposure device (Serial No. 2670) and the source guide tube following the return of the sealed source from the exposure position to the shielded position in the exposure device.

This is a Severity Level IV Violation (Supplement VI)

- C. 10 CFR 71.12(c)(3) grants a general license to the licensee to transport a Type B radioactive package for which an NRC Certificate of Compliance (COC) has been issued provided the user, who is not the original COC applicant, registers with the NRC, has a copy of the applicable COC, and complies with its terms and conditions.

Contrary to the above requirements, at the time of the inspection, the licensee had not registered with the NRC as a user of Gamma Century S exposure devices that were utilized by the licensee as Type B transport packages between January 22, 1990 and February 1, 1990.

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

- D. 10 CFR 71.5(a) states that each 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, shall comply with the applicable requirements of the regulations of the Department of Transportation in 49 CFR Parts 170 through 189 appropriate to the mode of transport.

1. 49 CFR 172.403 requires appropriate "Radioactive" category labels that identify the activity and radioactive contents of packages containing radioactive material. Determination of the proper label is based on the radiation dose rates at the surface and at one meter (transport index) from the package.

Contrary to this requirement, on several occasions between January 24, 1990 and February 1, 1990, a shipping package containing licensed material, inside a Gamma Century S radiographic exposure device (Serial Number 2670), was transported by the licensee to Space Launch Complex 4E at Vandenberg Air Force Base, California, without any "Radioactive" category labels attached.

2. 49 CFR 172.200(a) requires that each person who offers a hazardous material for transportation shall describe the hazardous material on a shipping paper in a manner prescribed by Subpart C of 49 CFR Part 172. 49 CFR 172.101 classifies radioactive material as a hazardous material for the purpose of transportation.

Contrary to this requirement, on several occasions between January 24, 1990 and February 1, 1990, a Gamma Century S radiographic exposure device (Serial Number 2670) containing licensed material was transported by the licensee to Space Launch Complex 4E at Vandenberg Air Force Base, California, without any shipping papers describing the hazardous material.

These two violations are considered collectively as a Severity Level IV Violation (Supplement V).

- E. 10 CFR 71.12(b) grants a general license to the licensee to transport a Type B radioactive package for which an NRC Certificate of Compliance has been issued provided the licensee has an NRC approved quality assurance program.

Contrary to this requirement, at the time of the inspection, the licensee did not have an NRC approved quality assurance program for Type B packages (Gamma Century S exposure devices) that were transported by the licensee between January 22, 1990 and February 1, 1990.

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

Due to the licensee written response (dated April 17, 1990) to these violations and a review of implemented corrective actions by NRC personnel on April 19, 1990 no further response is required by the licensee.