

NOTICE OF VIOLATION

Haller Testing Laboratories of Massachusetts, Inc.
Westborough, Massachusetts 01581

Docket No. 030-04760
License No. 20-13722-01
EA 87-146

During an NRC inspection conducted on June 25, 1987, 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 (1987), the violations are set forth below:

- A. 10 CFR 20.207(a) requires that licensed materials stored in an unrestricted area be secured against unauthorized removal from the place of storage. 10 CFR 20.207(b) requires that materials in an unrestricted area and not in storage be under the constant surveillance and immediate control of the licensee. As defined in 10 CFR 20.3(a)(17), an unrestricted area is any area access to which is not controlled by the licensee for the purposes of protection of individuals from exposure to radiation and radioactive materials.

Contrary to the above, on June 25, 1987, a Troxler Electronics Laboratories, Inc. portable moisture/density gauge (Model No. 3411B) containing licensed materials was located in an unrestricted area on the bed of a truck and was not attended while the vehicle was parked at the licensee's office in Westborough, Massachusetts. During this period when the vehicle was parked, the gauge was neither secured against unauthorized removal nor under constant surveillance or immediate control of authorized personnel.

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

- B. 10 CFR 71.5(a) requires that each licensee who transports licensed material outside of the confines of its plant or other place of use shall 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.

49 CFR 177.834(a) requires that packages containing radioactive material not permanently attached to the vehicle must be secured against movement within the vehicle on which it is being transported, under conditions normally incident to transportation.

Contrary to the above, on July 25, 1987, a Troxler moisture/density gauge (Model No. 3411B) containing radioactive material was transported from a temporary job site to the storage facility in Westborough, Massachusetts without being secured to the bed of the truck to prevent movement within the truck under conditions normally incident to transportation.

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

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Pursuant to the provisions of 10 CFR 2.201, Haller Testing Laboratories of Massachusetts, Inc. is hereby required to submit a written statement or explanation to this office within 30 days of the date of the letter transmitting this 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 if admitted, (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. Where good cause is shown, consideration will be given to extending the response time. 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. Consideration may be given to extending the response time for good cause shown.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By: *J. H. JOYNER*



Thomas T. Martin, Director
Division of Radiation Safety
and Safeguards

Dated at King of Prussia, Pennsylvania
this 17 day of August 1987