

APPENDIX A
NOTICE OF VIOLATION

Miller Engineering and Testing, Inc.
Manchester, New Hampshire 03108

Docket No. 030-22208
License No. 28-23457-01

As a result of the inspection conducted on September 24, October 14 and October 19, 1987, and in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (Enforcement Policy) (1986), the following violations were identified:

- A. Condition 12. of License No. 28-23457-01 requires that licensed material be used only in the physical presence of named individuals.

Contrary to the above licensed material was regularly used by the licensee without the physical presence of named individuals.

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

- B. 10 CFR 19.12 requires that all individuals working in a restricted area must be instructed in the purposes and functions of protective devices and precautions and procedures to minimize exposure.

Contrary to the above the licensee did not provide instructions for one individual who worked in the restricted area in 1987.

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

- C. Condition 17. of License No. 28-23457-01 requires that licensed material be possessed and used in accordance with statements, representations and procedures contained in application dated July 11, 1984.

Item 15 of the application requires that nuclear gauges be locked into storage bins when not in use.

Contrary to the above on October 14, 1987 a nuclear gauge was left in an open area within the licensee's Northboro, Massachusetts facility and not locked in a storage bin.

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

- D. 10 CFR 20.201(b) requires that each licensee make such surveys as may be necessary to comply with all sections of Part 20. As defined in 10 CFR 20.201(a), "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.

OFFICIAL RECORD COPY

MET 030-22208 - 0004.0.0
03/03/88

8803210421 880316
REG1 LIC30
28-23457-01 DCD

Contrary to the above, as of September 24, 1987, no surveys (evaluations) were performed to assure compliance with 10 CFR 20.101. Specifically, the dose to the whole body of a employee whose film badge was assigned and returned damaged for the period January 25, 1987 to February 24, 1987 was not evaluated.

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

- E. Condition 15 of License No. 28-23457-01 requires that a 6 month physical inventory be performed to account for all sealed sources.

Contrary to the above as of September 24, 1987 the licensee had not performed a 6 month physical inventory.

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

- F. Condition 13 of License No. 28-23457-01 requires that a leak test be performed on sealed sources every 6 months.

Contrary to the above only 1 leak test was performed in 1987 when 4 nuclear gauges containing sealed sources were possessed and used.

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

- G. 10 CFR 71.5(a) requires that licensed material to be transported must comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation 49 CFR Parts 170-189.

49 CFR 172.202 requires that shipping papers be furnished for each shipment of hazardous material.

Contrary to the above, packages of radioactive material were regularly transported by the Licensee without shipping papers.

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

- H. 10 CFR 19.11(a) and (b) require that current copies of Part 19, Part 20, the license, license conditions, documents incorporated into the license, license amendments, and operating procedures be posted, or that a notice describing these documents and where they may be examined, be posted. 10 CFR 19.11(c) requires that a Form NRC-3, "Notice to Employees," be posted. 10 CFR 19.11(d) requires that these documents or notices appear in a sufficient number of places to permit individuals engaged in licensed activities to observe them on they way to or from a licensed activity to which the document applies.

Contrary to the above, as of September 24, 1987, neither the documents nor the notices were posted in or near your Manchester, New Hampshire location where licensed activity occurs.

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

Pursuant to the provisions of 10 CFR 2.201, Miller Engineering and Testing, Inc. is hereby required to submit to this office within thirty days of the date of the letter which transmitted this Notice, a written statement or explanation in reply, including: (1) the corrective steps which have been taken and the results achieved; (2) corrective steps which will be taken to avoid further violations; and (3) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending this response time.