

NOTICE OF VIOLATION

Hurt & Proffitt, Inc.
Lynchburg, Virginia

Docket No. 030-08609
License No. 45-15126-01
EA 97-209

During a routine Nuclear Regulatory Commission inspection conducted on March 20, 1997, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. License Condition No. 14 requires, in part, that sealed sources be tested for leakage and/or contamination at intervals not to exceed six months.

Contrary to the above, on at least 11 occasions during the period January 1, 1993 through March 20, 1997, the licensee failed to test seven of its nine portable nuclear gauges, containing up to 10 millicuries (mCi) of cesium-137 and/or 50 mCi americium-241, for leakage and/or contamination at the required six-month intervals. (01013)

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

- B. License Condition No. 19 requires that each portable nuclear gauge have a lock or outer locked container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position. The gauge or its container must be locked when in transport, storage, or when not under the direct surveillance of an authorized user.

Contrary to the above, on March 20, 1997, the licensee failed to lock six portable nuclear gauges or their containers when they were in storage. (02014)

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

- C. License Condition No. 15 states that the licensee may transport licensed material in accordance with the provisions of 10 CFR Part 71, "Packaging and Transportation of Radioactive Material."

10 CFR 71.5(a) requires each licensee who transports licensed material outside the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, to comply with the applicable requirements of the Department of Transportation regulations in 49 CFR Parts 170 through 189.

1. 49 CFR 172.201(d) requires that a shipping paper must contain an emergency telephone number, as prescribed in subpart G of 49 CFR Part 172.

Contrary to the above, during the period March 3 - 20, 1997, the licensee transported portable nuclear gauges containing licensed

Notice of Violation

2

material with shipping papers that did not contain an emergency telephone number. (03014)

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

2. 49 CFR 172.203(c)(2) requires that the letters "RQ" be entered on the shipping paper either before or after the basic description required by 49 CFR 172.202 for each hazardous substance.

Contrary to the above, during the period March 3 - 20, 1997, the licensee transported portable nuclear gauges containing licensed material with shipping papers that did not contain the letters "RQ" entered on them. (04014)

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

3. 49 CFR 172.702(a) requires a hazmat employer to ensure that each of its hazmat employees is trained in accordance with the requirements prescribed in 172.702 and 172.704.

Contrary to the above, as of March 20, 1997, three of the licensee's (hazmat employer's) authorized users (hazmat employees) who routinely use and transport portable nuclear gauges had not received any hazmat training as prescribed in 172.702 and 172.704. (05014)

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

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance will be achieved are already adequately addressed on the docket in your letter to the NRC dated May 29, 1997. However, Hurt & Proffitt, Inc. is required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to Notice of Violation," and send it 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).

Under the authority of Section 182 of the Act, 42 U. S. C. 2232, any response shall be submitted under oath or affirmation.

If you choose to provide a response, it will be placed in the NRC Public Document Room (PDR), and to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction.

Dated at Atlanta, Georgia
this 24th day of June 1997

Hurt & Proffitt, Inc.

4

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* See previous concurrence

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