

NOTICE OF VIOLATION

NDT Services, Inc.
Caguas, Puerto Rico

Docket No. 030-17711
License No. 52-19438-01

During an NRC inspection conducted on August 6 and October 4, 1997, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

A. Condition 21 of License No. 52-19438-01 requires, in part, that the licensee conduct its licensed radiation safety program in accordance with the statements, representations and procedures contained in the application dated October 25, 1991.

1. The application dated October 25, 1991 contains the licensee's Operating and Emergency Procedures that define the licensee's radiation safety program.

Contrary to the above, on August 6 and October 4, 1997, the licensee was using a different set of Operating and Emergency Procedures that have not been evaluated and approved by the NRC. Specifically, sometime in late 1995 the licensee changed its radiation safety program without NRC approval.

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

2. Item 8 of the application dated October 25, 1991 defines the licensee's training program for radiographers. The training program states that the licensee will certify all radiographers in accordance with the approved program which includes (1) first becoming qualified as an assistant radiographer by completing 12.5 classroom hours, acting as an observer during a minimum of 8 hours of radiographic operations under the direction of a qualified radiographer and passing a written test, and (2) on-the-job training for three months under the supervision of a radiographer during which time the trainees must assist in at least 30 operations, completing an additional 30 hours of classroom training, passing an on-the-job evaluation during at least eight hours of operation under direct supervision of the Radiation Safety Officer, and successfully passing both written and oral examinations.

Contrary to the above, on July 2, 1996 and on December 28, 1995, the licensee certified as radiographers individuals who had not received the required training. Specifically, on those dates, experienced radiographers were given a brief description of the equipment, were given written examinations and on the same day were certified as radiographers.

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

Enclosure

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3. Section 6.3.1 of the application dated October 25, 1991 requires that frequent surveys and continuous monitoring be made at all areas where a source is being exposed.

Contrary to the above, during ten source exposures conducted at the Puerto Rico Electric Power Authority's Puerto Nuevo Station between 5:00 and 7:00 a.m. on October 4, 1997, no surveys or continuous monitoring were conducted in areas around the location where radiographic operations were being conducted. Specifically, no surveys or continuous monitoring were conducted on levels above or below the level where radiography was being conducted nor in areas surrounding the vessel where the exposures were being taken, to ensure that radiation levels were within permissible limits and that no one was being inadvertently exposed to radiation.

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

- B. 10 CFR 34.47(a)(1) requires, in part, that pocket dosimeters be recharged at the beginning of each shift.

Contrary to the above, on October 4, 1997, an assistant radiographer did not recharge his pocket dosimeter at the beginning of his shift. Specifically, the dosimeter was reading 30 millirems at the beginning of radiographic operations. The assistant radiographer stated that he usually recharged his dosimeter when it reached a reading of about 50 millirems and that he was unaware of the requirement to recharge the dosimeter at the beginning of each shift.

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

- C. 10 CFR 71.5 requires, in part, that each licensee who transports licensed material on public highways comply with the applicable requirements of the Department of Transportation regulations in 49 CFR 170 through 189.

49 CFR 172.702 requires that each hazmat employer ensure that each hazmat employee is trained and tested, and that no hazmat employee performs any function subject to the requirements of 49 CFR Parts 171-177 unless trained, in accordance with Subpart H of 49 CFR Part 172. The terms Hazmat Employer and Hazmat Employee are defined in 49 CFR 171.8.

Contrary to the above, as of August 6, 1997, the licensee did not provide training for its hazmat employees as required by Subpart H to 49 CFR Part 172, and the licensee otherwise meets the definition of hazmat employer in 49 CFR 171.8.

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

Pursuant to the provisions of 10 CFR 2.201, NDT Services, Inc. is hereby required to submit a written statement or explanation 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). 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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a 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.

Because your response will be placed in the NRC Public Document Room (PDR), 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. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at Atlanta, Georgia
this 7th day of November 1997