

August 5, 1998

Docket No. 030-31072
EA No. 98-340

License No. 37-28367-01

John C. Chabal
President
Professional Quality Testing Company
P. O. Box 327
New Kensington, PA 15068

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Chabal:

On March 24 and May 27, 1998, Mr. Steven Courtemanche and Mr. Richard Ladun of this office conducted a safety inspection at the facilities at Donaghue Road, Latrobe, Pennsylvania of activities authorized by the above listed NRC license. The inspection was an examination of your licensed activities as they relate to radiation safety and to compliance with the Commission's regulations and the license conditions. The inspection consisted of observations by the inspector, interviews with personnel, and a selected examination of representative records. The findings of the inspection were discussed with you at the conclusion of the inspection and an inspection report was issued on June 25, 1998.

On July 7, 1998, a transcribed Predecisional Enforcement Conference which was open to the public was conducted at the NRC King of Prussia, Pennsylvania office. The findings of the above inspection were discussed along with their root causes, your corrective and preventive actions, and the significance of the issues.

Based on the inspection findings and the information you provided during the Predecisional Enforcement Conference the NRC has determined that a violation of NRC requirements occurred. A Notice of Violation (Notice) is enclosed and categorizes the violation by severity level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether future NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements. Also, based on the information you provided during the Predecisional Enforcement Conference, it was determined that two of the apparent violations described in the NRC's June 25, 1998 correspondence should be reclassified as a continuation of the violations identified during the previous inspection (Inspection No. 030-31072/97-001). During the conference, you stated that an amendment request had been submitted to the NRC and if it had been received and acted upon

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by the NRC, the apparent violations would have been corrected. No further response is required from you regarding the above two continuing violations since an amendment was received by the NRC on April 1, 1998.

The item described in the attached Notice concerns the failure to secure licensed material in accordance with the procedures that you committed to in your correspondence with the NRC. The violation is classified at Severity Level IV after careful consideration of the factors involved in this specific instance and in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600. Soberly, this violation posed a minimal health and safety problem because of the other security measures in place and represents an isolated rather than a programmatic weakness in your radiation safety program. Similar violations of this type in the future may result in additional enforcement action.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and your reply will be placed in the NRC Public Document Room (PDR). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public. The responses directed by this letter and the accompanying Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Your cooperation with us is appreciated.

Sincerely,

Original signed by George Pangburn

A. Randolph Blough, Director
Division of Nuclear Materials Safety

Enclosure:
Notice of Violation

cc:
Commonwealth of Pennsylvania

J. Chabal
Professional Quality Testing Company

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