

November 7, 2000
EN 00-023

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Testing Technologies, Inc. (EA-00-231)
 Woodbridge, Virginia
 Docket No. 030-30657

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY/EXERCISE OF ENFORCEMENT
 DISCRETION - \$5,500

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$5,500 will be issued on or about November 14, 2000, to Testing Technologies, Incorporated. This action is based on a Severity Level III problem involving multiple failures to comply with NRC requirements during radiographic operations conducted on August 27, 2000, in a Washington, D.C. office building. The violations comprising the problem include: (1) the failure to limit unrestricted area doses to less than two millirem (mrem) in any one hour; (2) the failure to post each radiation and high radiation area with the appropriate sign; (3) the failure to perform surveys necessary to demonstrate compliance with the regulations and to evaluate the radiological hazards present; and (4) the failure to maintain continuous direct surveillance of high radiation areas to protect against unauthorized entry. As a result of the failure to implement fundamental radiological controls, a member of the public, working in the building, received an exposure estimated to be between 20 to 25 mrem, which is below the NRC's annual limit of 100 mrem dose to a member of the public. However, there was a potential for greater exposures since, during radiographic exposures on the seventh floor, the dose in unrestricted areas ranged up to 1600 millirem (based on a 10 Roentgen per hour measurement and 10 minutes of exposure) in violation of 10 CFR 20.1301(a)(2), which requires the licensee to limit unrestricted area doses to less than two millirem (mrem) in any one hour. This violation alone could be characterized as a Severity Level III violation, but based on the interrelationship of the posting, constant surveillance, and survey violations, the staff has categorized the four violations as a Severity Level III problem.

Because the licensee has not been the subject of escalated enforcement action within the last two inspections, the staff considered whether credit was warranted for Corrective Action in accordance with the civil penalty assessment process. Credit was determined to be warranted for corrective actions implemented by the licensee and, therefore, a civil penalty would not normally be proposed for the problem. However, the staff is exercising discretion to issue a civil penalty because the failures involved particularly poor performance with respect to the conduct of radiographic operations including fundamental radiological controls such as surveying, posting, and surveilling.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice	November 14, 2000
Telephone Notification of Licensee	November 14, 2000

The Commonwealth of Virginia will be notified.

The licensee has thirty days from the date of the Notice in which to respond. Following NRC evaluation of the response, the civil penalty may be remitted, mitigated, or imposed by Order.

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PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION