

CMT Laboratories, Inc.
2380 Commercial Boulevard
State College, PA 16801

Phone: (814) 231-8845
Fax: (814) 231-8846
AASHTO Accredited Laboratory

Construction Materials Testing Geotechnical Engineering Subsurface Exploration

August 22, 2005

U.S. Nuclear Regulatory Commission
Washington, DC 20555

Attn: Document Control Desk

Re: Docket No. 03014383
License No. 37-18032-01
Reply to Notice of Violation

To Whom It May Concern:

This is in response to a letter dated July 29, 2005 and signed by John D. Kinneman, Chief, Security and Industrial Branch, Division of Nuclear Materials Safety and the attached "Notice of Violation." A copy of the Notice is attached.

We do not contest the violations included in the Notice.

Relative to item A, an annual review of the radiation protection program content and implementation will be conducted on or before September 15, 2005 and then on or about February 1 annually.

The format is as contained in Appendix F of "Consolidated Guidance About Material Licenses," Publication No. NUREG-1556, Volume 1, Revision 1.

Relative to items B1 and B2, the appropriate shipping papers have been prepared and will be used in transport. A copy of the paper is attached. We will monitor the transport procedures to assure compliance.

Based on the above, we will be in full compliance upon completion of the review (Item A) on or before September 15.

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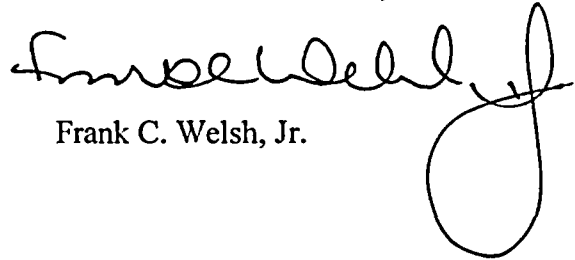
IED7

August 24, 2005

If you have any questions or need any additional information, please do not hesitate to contact me.

Respectfully submitted,

CMT LABORATORIES, INC.

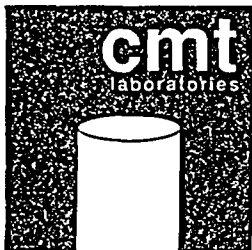
A handwritten signature in black ink, appearing to read "Frank C. Welsh, Jr.", with a large, stylized loop at the end.

Frank C. Welsh, Jr.

FCW/jat

Enclosure

cc: Regional Administrator, Region I



MAIN OFFICE:

2380 Commercial Boulevard, State College, PA 16801, Phone (814) 231-8845, Fax (814) 231-8846

BRANCH OFFICES:

155 Phillips Park Drive, South Williamsport, PA 17702, Phone (570) 567-1016, Fax (570) 567-1017
4500 Sixth Avenue, Suite 124, Altoona, PA 16602, Phone (814) 941-6904, Fax (814) 941-6941

BILL OF LADING

Shipper: CMT Laboratories, Inc.
2380 Commercial Boulevard
State College, PA 16801

**RQ, Radioactive Material, Special Form, NOS, UN3332, Class 7,
Type "A" Package Containing:**

**Cs-137, 8mCi
AM-241:Be, 40 mCi**

RADIOACTIVE YELLOW II LABEL, TI=0.5

<p>EMERGENCY CONTACTS: TROXLER: 919/839-2676 CMT: 814-231-8845</p>

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

Shipper: _____



construction material testing ■ AMRL accredited laboratory ■ geotechnical exploration



TROXLER NUCLEAR GAUGE EMERGENCY RESPONSE INFORMATION
REQUIRED FOR TRANSPORTATION

(Reference: DOT P5800.5 ERG93, and 49 CFR)

Call Troxler Electronic Laboratories, Inc, at (919) 549-9539 for Emergency Assistance

1. PROPER SHIPPING NAME:

- ♦ RADIOACTIVE MATERIAL, TYPE A PACKAGE, SPECIAL FORM, 7, UN3332

POTENTIAL HAZARDS

2. HEALTH HAZARDS

- ♦ Radiation presents minimal risk to lives of persons during transportation accidents.
- ♦ Undamaged packages are safe; damaged packages or materials released from packages can cause external radiation hazards. Contamination is not suspected.
- ♦ Packages (cartons, boxes, drums, articles, etc.) identified as "Type A" by marking on packages or by shipping papers contain non-life endangering amounts. Radioactive sources may be released if packages are damaged in moderately severe accidents.
- ♦ Packages (large and small, usually metal) identified as "Type B" by marking on packages or by shipping papers contain potentially life-endangering amounts. Because of design, evaluation, and testing of packages, life-endangering releases are not expected in accidents except those of utmost severity.
- ♦ Commonly available instruments can detect most of these materials.
- ♦ Water from cargo fire control is not expected to cause pollution.

3. FIRE OR EXPLOSION

- ♦ Packagings can be consumed without content loss from sealed source capsule.
- ♦ Radioactive source capsules and Type B packages are designed to withstand temperatures of 1475 °F (800 °C).

EMERGENCY ACTION

4. IMMEDIATE PRECAUTIONS

- ♦ Priority response actions may be performed before taking radiation measurements.
- ♦ Priorities are life saving, control of fire and other hazards, and first aid.
- ♦ Isolate hazard area and deny entry. Notify Radiation Authority of accident conditions.
- ♦ Delay final cleanup until instruction or advice of Radiation Authority.
- ♦ Positive pressure self-contained breathing apparatus (SCBA) and structural firefighter's protective clothing will provide adequate protection against internal radiation exposure, but not external radiation exposure.

5. FIRE

- ♦ Do not move damaged packages; move undamaged packages out of fire zone.
- ♦ Small Fires: Dry chemical, CO₂ water spray or regular foam.
- ♦ Large Fires: Water spray, fog (flooding amounts)

6. SPILL OR LEAK

- ♦ Do not touch damaged packages or spilled material.
- ♦ Slightly damaged or damp outer surfaces seldom indicate failure of inner container.
- ♦ If source is identified as being out of package, stay away and await advice from Radiation Authority.

7. FIRST AID

- ♦ Use first aid treatment according to the nature of the injury.
- ♦ Persons exposed to special form sources are not likely to be contaminated with radioactive material.

IN EVENT OF ACCIDENT

In the event of physical damage to the gauge, the following steps must be taken:

1. Locate the source(s).
2. Seal or cordon off an area 15 feet in radius from the gauge(s) to prevent entry by unauthorized persons.
3. Keep your vehicle on the site until the extent of contamination (if any) of the vehicle is determined.
4. **STAY WITH YOUR GAUGE(s)** , and make a visual inspection of the gauge(s) to determine whether any damage to the source housing or shield has been sustained.
5. After the situation is under control, notify the Radiation Safety Officer, Frank C. Welsh, Jr. at (814) 231-8845. If there is no answer at that number, call Troxler International at (919) 839-2676.
6. Describe the present existing conditions and follow the instructions of the Radiation Safety Officer.

In the event your gauge is lost or stolen, notify the Radiation Safety Officer at one of the numbers listed above, **IMMEDIATELY**.