



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

July 18, 2007

Docket No. 03020149

License No. 45-21285-01

John J. Campbell  
Network Administrator & RSO  
Dominion Terminal Associates  
P.O. Box 967-A  
Newport News, VA 23607-0967

SUBJECT: INSPECTION 03020149/2007001, DOMINION TERMINAL ASSOCIATES,  
NEWPORT NEWS MARINE TERMINAL, NEWPORT NEWS, VIRGINIA AND  
NOTICE OF VIOLATION

Dear Mr. Campbell:

On June 20, 2007, Judith A. Joustra of this office conducted a safety inspection at the Newport News Marine Terminal, Between Piers 9 and 14, Newport News, Virginia 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. Additional information provided in your correspondence dated June 21, 2007 was also examined as part of the inspection. The findings of the inspection were discussed with you at the conclusion of the inspection.

Based on the results of this inspection, it appears that your activities were not conducted in full compliance with NRC requirements. A Notice of Violation is enclosed that categorizes each violation by severity level. 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 further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

Current NRC regulations are included on the NRC's website at [www.nrc.gov](http://www.nrc.gov) ; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Regulations, Guidance, and Communications Page**. The current Enforcement Policy is included on the NRC's website at [www.nrc.gov](http://www.nrc.gov) ; select **Site Map**; then **Enforcement Policy**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 8:00 p.m. EST, Monday through Friday (except Federal holidays).

J. Campbell

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Please contact Judith Joustra at 610-337-5355 if you have any questions regarding this matter.

Sincerely,

***Original signed by Randolph C. Ragland, Jr.***

Marie Miller, Chief  
Security and Industrial Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
Commonwealth of Virginia

J. Campbell

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Please contact Judith Joustra at 610-337-5355 if you have any questions regarding this matter.

Sincerely,

***Original signed by Randolph C. Ragland, Jr.***

Marie Miller, Chief  
Security and Industrial Branch  
Division of Nuclear Materials Safety

Enclosure:  
Notice of Violation

cc:  
Commonwealth of Virginia

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**SUNSI Review Complete: JJoustra**

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## **NOTICE OF VIOLATION**

Dominion Terminal Associates  
Newport News, VA

Docket No. 03020149  
License No. 45-21285-01

During an NRC inspection conducted on June 20, 2007, three violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1101(c) requires that the licensee periodically (at least annually) review the radiation safety program content and implementation.

Contrary to the above, as of June 20, 2007, the licensee did not periodically review the radiation safety program at least annually. Specifically, the last review of the licensee's radiation safety program was performed on June 29, 2005.

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

- B. Condition 25 of License No. 45-21285-01 requires that the licensee shall conduct its program in accordance with the statements, representation, and procedures contained in its Application dated March 7, 2003, and letter dated July 2, 2003.

1. Item 10 of the licensee's Application dated March 7, 2003, requires that the licensee will either perform a prospective evaluation demonstrating that unmonitored individuals are not likely to receive, in one year, a radiation dose in excess of 10% of the allowable limits in 10 CFR Part 20 or will provide dosimetry that meets the criteria in NUREG-1556, Volume 4 dated October 1998.

Contrary to the above, as of June 20, 2007, the licensee had not performed the required prospective evaluation nor had they provided dosimetry that meets the criteria in NUREG-1556, Volume 4. The licensee provided an adequate evaluation on June 21, 2007, which was reviewed as part of the inspection.

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

2. Letter dated July 2, 2003, requires that before using materials, authorized users will have successfully completed the training described in section entitled. "Authorized Users" in NUREG-1556, Volume 4, dated October 1998.

The section entitled "Authorized User" requires that Authorized Users (AU) successfully complete either a fixed gauge manufacturer's or distributors course for users or an equivalent course that meets the Appendix G criteria. The Appendix G criteria requires that the course instructor should have the following qualifications: Bachelor's degree in physical or life science or engineering; successful completion of a fixed gauge manufacturer's or distributor's course for users (or equivalent); successful completion of an 8 hour radiation safety course; and 8 hours hands-on experience with fixed gauges OR Successful completion of a fixed gauge manufacturer's or distributor's course for users (or equivalent);

successful completion of a 40 hour radiation safety course; and 30 hours hands-on experience with fixed gauges OR The applicant may submit a description of alternate training and experience for the course instructor.

Contrary to the above, as of June 20, 2007, the licensee's RSO had provided initial training and instruction to two individuals, and the RSO did not have the required qualifications as identified in Appendix G. Specifically, the RSO did not have a Bachelor's degree in physical or life science or engineering, or successfully complete a 40 hour radiation safety course, nor did the licensee submit a description of alternate training and experience for the course instructor (the RSO).

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

Pursuant to the provisions of 10 CFR 2.201, Dominion Terminal Associates 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 I, 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.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available 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.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated This 18th day of July 2007