

NOTICE OF VIOLATION

Pensacola Testing Laboratories, Inc.
Pensacola, Florida

Docket No. 150-00009
EA 96-315

During an NRC inspection conducted on August 5, 1996, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedures for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 30.3 requires, in relevant part, that no person shall possess or use by-product material except as authorized by a specific or general license issued by the NRC.

10 CFR 150.20(a) provides, in part, that any person who holds a specific license from an Agreement State is granted an NRC general license to conduct the same activity in non-Agreement States subject to the provisions of 10 CFR 150.20(b)

10 CFR 150.20(b)(1) requires, in part, that any person engaging in activities in non-Agreement States shall, at least three days before engaging in each such activity, file four copies of NRC Form-241, "Report of Proposed Activities in non-Agreement States," with the Regional Administrator of the appropriate NRC Regional Office.

Contrary to the above, on numerous occasions between 1990 and August 5, 1996, Pensacola Testing Laboratories, Inc., used millicurie quantities of Cesium-137 and Americium-241 to perform moisture density activities at Eglin Air Force Base, Whiting Field, and Pensacola Naval Air Station, Florida in areas of exclusive Federal jurisdiction, without either a specific or general license issued by the NRC and without filing Form-241 with the NRC, as required. (01013)

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in Pensacola Testing Laboratories, Inc.'s letter to the NRC dated October 3, 1996. However, Pensacola Testing Laboratories, Inc. is required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect the corrective actions or the licensee's position. In that case, or if Pensacola Testing Laboratories, Inc. chooses to respond, the response should be marked clearly as a "Reply to a Notice of Violation," and sent 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.

Dated at Atlanta, Georgia
this 23rd day of October 1996

Pensacola Testing
Laboratories, Inc.

4

Distribution w/encl:

PUBLIC

EJulian, SECY

BKeeling, CA

JTaylor, EDO

HThompson, DEDS

DCool, NMSS

SEbnetter, RII

LChandler, OGC

JGoldberg, OGC

DBangart, OSP

JLieberman, OE

Enforcement Coordinators

RI, RIII, RIV

EHayden, OPA

EJordan, AEOD

GCaputo, OI

HBell, OIG

OE:EA File (B. Summers, OE) (2 letterhead)

MThomas, OE

CEvans, RII

BUryc, RII

CHosey, RII

KClark, RII

RTrojanowski, RII

WLoo, RII

ABoland, RII

END TO PUBLIC DOCUMENT ROOM?		YES	NO
OFFICE	RII: NMS	RII: YES	RII: ORA
Signature	BSM	BURYC	CEVANS
NAME	BHILLETT	BURYC	CEVANS
DATE	10/21/96	10/21/96	10/23/96
COPY?	YES NO	YES NO	YES NO

OFFICIAL RECORD COPY DOCUMENT NAME H:\1960PEN ENP\960PEN DIR\FINAL 500