

DOD

November 19, 1996

Ed Graham
Managing Partner
Dayton X-Ray Company/dba
U.S. Inspection Services
705 Albany Street
Dayton, OH 45408

SUBJECT: NRC INSPECTION AND NOTICE OF VIOLATION

Dear Mr. Graham:

This refers to the inspection conducted on October 24, 1996 (with continued NRC in-office review through November 13, 1996) at Dayton X-Ray Company/dba U.S. Inspection Services, Dayton, Ohio, and a temporary job site in Wilmington, Ohio. The purpose of the inspection was to determine whether activities authorized by the license were conducted safely and in accordance with NRC requirements. At the conclusion of the inspection, the findings were discussed with members of your staff.

The inspection was an examination of activities conducted under your license as they relate to radiation safety and to compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selective examinations of procedures and representative records, interviews with personnel, independent measurements and observation of activities in progress.

In addition to the above areas, the inspector examined actions described in your letter dated October 31, 1995, regarding apparent violations found during our September 12, 1995 inspection. We have no further questions regarding these matters.

Based on the results of this inspection, the NRC has determined that violations of NRC requirements occurred. The violations are cited in the enclosed Notice of Violation (Notice). A written response is required.

The NRC normally classifies Violation 1 at a Severity Level III in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600 (60 FR 34381; June 30, 1995). Failure to secure from unauthorized removal or otherwise maintain constant surveillance of licensed material has the potential for significant public health and safety consequences. However, Violation 1 has been classified at a Severity Level IV because: (1) radiography was being conducted in a location where it had been performed in the recent past; (2) it was unlikely that an unauthorized individual could have exposed the radiographic source since it was locked in the shielded position within the exposure device and the key was controlled by the radiographer; (3) theft of the exposure device was unlikely since it was connected to both the drive cable and source guide tube mechanisms and located in a ditch below grade; and

9611260048 961119
PDR ADOCK 03005731
C PDR

11
1E07

(4) the radiographer did not leave the exposure device unattended for an extended period, and he was located near the radiographic site. Nevertheless, Violation 1 demonstrates the importance of maintaining constant surveillance of licensed material that is outside of its secured storage area. We caution you that any similar violation in the future will carry increased significance and may result in additional enforcement action, including imposition of a civil penalty.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, the enclosure, and your response to this letter 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.

Sincerely,

Original signed by Cynthia D. Pederson

Cynthia D. Pederson, Director
Division of Nuclear Materials Safety

License No. 34-06943-01
Docket No. 030-05731

Enclosure: Notice of Violation

bcc w/encl: PUBLIC
B. Burgess, EICS

DOCUMENT NAME: G:\INSPRPTS\MTLS\030\03005731.961

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

OFFICE	DNMS/RIII	E	DNMS/RIII	E	DNMS/RIII	C				
NAME	RGATTONE:jaw		JMADERA		CPEDERSON					
DATE	11/15/96		11/18/96		11/18/96					

OFFICIAL RECORD COPY