

November 27, 1996

Richard F. Irick
Radiation Safety Officer
Vermont Nondestructive Testing Inc.
P.O. Box 219
Jericho, Vermont 05465

SUBJECT: INSPECTION NO. 030-31662/96-001

Dear Mr. Irick:

This is in reference to our letter dated July 23, 1996 (copy enclosed) which transmitted the results of a safety inspection conducted by this office on June 18, 1996. Enclosed with the letter was a Notice of Violation and instructions which specified that you respond within 30 days of the date of the letter. The NRC has not received your response to the Notice of Violation. Failure to respond to the Notice of Violation within 30 days of this letter may result in the NRC taking additional enforcement action.

If you have questions regarding this matter, please contact me at (610) 337-5304.

Your cooperation with us is appreciated.

Sincerely,

ORIGINAL SIGNED BY:

Jenny M. Johansen, Chief
Nuclear Material Safety Branch 3
Division of Nuclear Materials Safety

Docket No. 030-31662
License No. 44-28509-01

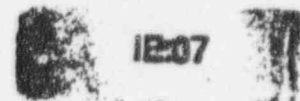
Enclosure:
NRC letter dated July 23, 1996 with enclosed Notice of Violation

cc:
State of Vermont

RETURN ORIGINAL TO
REGION I

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Richard F. Irick
Vermont Nondestructive Testing

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

JUL 23 1996

Docket No. 030-31662

License No. 44-28509-01

Richard F. Irick
Radiation Safety Officer
Vermont Nondestructive Testing, Inc.
P.O. Box 219
Jericho, Vermont 05465

SUBJECT: INSPECTION NO. 030-31662/96-001

Dear Mr. Irick:

On June 18, 1996, Duncan White of this office conducted a safety inspection at Barber Farm Road, Jericho, Vermont 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 selective examination of representative records. 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 and categorizes each violation by severity level in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600. 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.

Item A in the Notice of Violation enclosed with this letter was identified during a previous inspection of your licensed activities and documented in a Notice of Violation, NRC Form 591 dated December 20, 1995. From this inspection, it appears that your corrective actions were not effective since this item has recurred. Recurrent and uncorrected violations are given additional weight in the consideration and selection of appropriate enforcement action. Therefore, in your response to this letter, you should give particular attention to those actions taken or planned to ensure that identified items of noncompliance will be completely corrected and will not recur.

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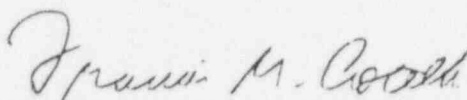
R. F. Irick
Vermont Nondestructive Testing

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Please use the enclosed self-addressed green envelope when you respond to this letter to assist us in the timely processing of your response. In accordance with Section 2.790 of NRC's "Rules of Practice," Part 2, Title 10, Code of Federal Regulations, a copy of this letter and your reply will be placed in the 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. 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. The responses directed by this letter and the accompanying Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Your cooperation with us is appreciated.

Sincerely,



Francis M. Costello, Chief
Nuclear Materials Safety Branch 3
Division of Nuclear Materials Safety

Docket No.: 030-31662
License No.: 44-28509-01

Enclosure:
Notice of Violation

cc w/enclosure:
State of Vermont

NOTICE OF VIOLATION

Vermont Nondestructive Testing, Inc.
Jericho, Vermont 05465

Docket No. 030-31662
License No. 44-28509-01

During an NRC inspection conducted on June 18, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600, the violations are listed below:

- A. 10 CFR 34.11(d)(1) requires, in part, that an applicant have an inspection program that requires the observation of the performance of each radiographer and radiographer's assistant during an actual radiographic operation at intervals not to exceed three months.

License Condition 18 incorporates the inspection program containing the requirements stated in 10 CFR 34.11(d)(1) as submitted in the licensee's application dated March 23, 1990 and letter dated January 31, 1991, into License No. 44-28509-01.

Contrary to the above, from November 1995 to May 10, 1996, the licensee had not observed the performance of a radiographer involved in radiographic operations, an interval in excess of three months.

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

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

Contrary to the above, as of June 18, 1996, the licensee had not reviewed the radiation protection program content and implementation. Specifically, the licensee did not conduct a review of the radiation safety program.

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

- C. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside the confines of its plant or other place of use, or who delivers licensed material to a carrier for transport, comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation in 49 CFR Parts 170 through 189.

49 CFR 177.817(a) requires that a carrier not transport a hazardous material unless it is accompanied by a shipping paper prepared in accordance with 49 CFR 172.200-203. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

49 CFR 172.203(c) requires that the letter "RQ" be entered on the shipping paper either before or after the basic description required for each hazardous substance.

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Contrary to the above, on June 17, 1996, the licensee transported licensed material outside the confines of its plant, and the letters "RQ" were not entered either before or after the description on the shipping paper that accompanied the shipment.

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

- D. Condition 18 of NRC License No. 44-28509-01 requires that the licensee conduct its program in accordance with statements, representations, and procedures contained in an application dated March 23, 1990.

Section 8 of the application includes the licensee's "Training Instructions for Radiographic Personnel". Item 5.O.B. of the instruction requires that periodic training be given to radiographers and radiographer's assistants at least annually.

Contrary to the above, as of June 18, 1996, the licensee did not provide periodic training to radiographers and radiographer's assistants at least annually. Specifically, the licensee last provided periodic training to radiographers and radiographer's assistants on December 29, 1994, a frequency less than annual.

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

Pursuant to the provisions of 10 CFR 2.201, Vermont Nondestructive Testing, Inc. 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.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR 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.

If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.