

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Quality Assurance Laboratories, Inc.
South Portland, Maine 04106

Docket No. 030-16028
License No. 18-19078-01
EA 85-129

An NRC inspection of activities authorized under NRC License No. 18-19078-01 was conducted at Quality Assurance Laboratories, Inc., South Portland, Maine on October 4 and 7, 1985. During the inspection, eleven violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (1985), the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, ("Act"), 42 U.S.C. 2282, PL 96-295 and 10 CFR 2.205. The particular violations and the associated civil penalty are set forth below:

- A. 10 CFR 20.201(b) requires that each licensee make such surveys as may be necessary to comply with all sections of Part 20 and are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above, as of October 7, 1985, a survey was not made of the roof of the radiography facility, and an adjacent utility pole and truck trailer area, which were located outside of the facility restricted area, during uncollimated radiography operations. Such surveys were reasonable under the circumstances to evaluate the extent of radiation hazards that may be present in the area and to evaluate the need for any protective measures in those areas during radiographic operations.

- B. 10 CFR 20.203(c)(1) requires that each high radiation area be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words: "Caution - High Radiation Area."

Contrary to the above, on October 4, 1985, a high radiation area existed at a radiography field site in South Portland, Maine, and a portion of the area (approximately 50 feet) was not conspicuously posted with a sign or signs bearing the radiation caution symbol and the words "Caution - High Radiation Area."

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- C. 10 CFR 34.43(b) requires that a survey with a radiation survey instrument be made of the entire circumference of the radiographic exposure device and the guide tube after each radiographic exposure to determine that the sealed source has returned to its shielded position.

Contrary to the above, on October 4, 1985, several radiographic exposures were taken at a field site in South Portland, Maine, and neither the entire circumference of the radiographic exposure device nor the guide tube were surveyed after each exposure.

- D. 10 CFR 34.43(a) requires that at least one calibrated and operable survey instrument be available at the location of radiographic operations whenever radiographic operations are being performed.

Contrary to the above, on October 4, 1985, radiographic operations were conducted at a field site in South Portland, Maine, and the survey instrument that was present during the operations was not operable in that the instrument could not be zeroed and the battery supply checked low.

- E. 10 CFR 34.33(a) requires that radiographers wear a direct-reading pocket dosimeter and either a film badge or a thermoluminescent dosimeter at all times during radiographic operations.

Contrary to the above, on October 4, 1985, at a field site in South Portland, Maine, a radiographer did not wear either a film badge or thermoluminescent dosimeter during radiographic operations.

- F. 10 CFR 34.33(a) requires that pocket dosimeters be recharged at the start of each shift.

Contrary to the above, on October 4, 1985, a radiographer at a field site in South Portland, Maine did not recharge his pocket dosimeter prior to the start of his shift.

- G. 10 CFR 34.33(c) requires that pocket dosimeters be checked at intervals not to exceed one year for correct response to radiation.

Contrary to the above, on October 4, 1985, pocket dosimeters used at a field site in South Portland, Maine had not been checked for correct response to radiation for an interval of more than one year.

- H. 10 CFR 34.41 requires the radiographer to maintain direct surveillance of the radiography operation to protect against unauthorized entry into a high radiation area, unless the high radiation area is locked or equipped with a control device.

Contrary to the above, on October 4, 1985, the radiographer at a field site in South Portland, Maine did not maintain direct surveillance while radiographic operations were performed in that the radiographer was out of view of the exposed source for several seconds, and the area was not locked or equipped with a control device.

- I. 10 CFR 71.5(a) requires that each licensee who transports licensed material outside of the confines of its plant or who delivers any 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 170-189.
1. 49 CFR 172.403(a), (c), and (g) require that a package with a surface radiation level of greater than 50 mrem/hr be labeled DOT YELLOW - III and the activity and transportation index must be entered on the blank spaces of the label.

Contrary to the above, on October 4, 1985, a package was transported by the licensee to a field site in South Portland, Maine with a surface radiation reading of 55 mrem/hr, and the package was labeled DOT YELLOW - II rather than DOT YELLOW - III. The transportation index was not indicated on the label, and the activity of the source was incorrectly indicated.

2. 49 CFR 172.504 requires that each motor vehicle containing packages which require DOT YELLOW - III labels must be placarded on each end and each side.

Contrary to the above, on October 4, 1985, the motor vehicle transporting the radiographic exposure device requiring a DOT YELLOW - III label was not placarded.

3. 49 CFR 172.200(a) requires that each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner as required in that subpart.

Contrary to the above, on October 4, 1985, a radioactive materials package was transported by the licensee without any shipping papers to describe the hazardous material.

These violations have been categorized in the aggregate as a Severity Level III Problem.

Civil Penalty - \$5,000 (assessed equally among the violations)

Pursuant to the provisions of 10 CFR 2.201, Quality Assurance Laboratories, Incorporated, is hereby required to submit to the Director, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555, with a copy to the Regional Administrator, USNRC, Region I, 631 Park Avenue, King of Prussia, PA 19406, within 30 days of the date of this Notice a written statement or explanation in reply, including for each alleged violation: (1) admission or denial of the alleged violations, (2) the reasons for the violation if admitted, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violation, and (5) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, the Director, Office of Inspection and Enforcement, may issue an order to show cause why the license should not be

modified, suspended, or revoked or why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Within the same time as provided for the response required above under 10 CFR 2.201, Quality Assurance Laboratories, Incorporated, may pay the civil penalty by letter addressed to the Director, Office of Inspection and Enforcement, with a check, draft, or money order payable to the Treasurer of the United States in the cumulative amount of Five Thousand Dollars (\$5,000) or may protest imposition of the civil penalty in whole or in part by a written answer addressed to the Director, Office of Inspection and Enforcement. Should Quality Assurance Laboratories, Incorporated, fail to answer within the time specified, the Director, Office of Inspection and Enforcement, will issue an order imposing the civil penalty in the amount proposed above. Should Quality Assurance Laboratories, Incorporated, elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, such answer may: (1) deny the violations listed in this Notice in whole or in part, (2) demonstrate extenuating circumstances, (3) show error in this Notice, or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the five factors addressed in Section V.B of 10 CFR Part 2, Appendix C (1985), should be addressed. Any written answer in accordance with 10 CFR 2.205 should be set forth separately from the statement or explanation in reply pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. Quality Assurance Laboratories, Incorporated's, attention is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing a civil penalty.

Upon failure to pay the civil penalty due, which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by
Thomas E. Murley
Thomas E. Murley
Regional Administrator

Dated at King of Prussia, Pennsylvania,
this 12th day of December 1985.