

ENCLOSURE

NOTICE OF VIOLATION

Maxim Technologies of New York, Inc.
Mechanicville, NY

Docket No. 150-00031
NY License No. NY 2505-3627

During an NRC inspection conducted on December 22, 1999, two violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG-1600, dated November 9, 1999, the violations are listed below:

- A. 10 CFR 34.43 (a)(1) requires, in part, that licensees may not permit any individual to act as a radiographer until the individual is certified through a radiographer certification program by a certifying entity in accordance with the criteria specified in Appendix A of 10 CFR Part 34.

Contrary to the above, from August to October 1999, the licensee permitted two individuals to act as radiographers in the states of Vermont and Connecticut, and at the time, the two individuals were not certified through a radiographer certification program by a certifying entity in accordance with the criteria specified in Appendix A of 10 CFR Part 34. (01013)

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

- B. 10 CFR 20.1502 (a)(1) requires that each licensee shall monitor occupational exposure to radiation from licensed and unlicensed radiation sources under the control of the licensee and shall supply and require the use of individual monitoring devices by adults likely to receive, in 1 year from sources external to the body, a dose in excess of 10 percent of the limits in 10 CFR 20.1201(a).

Contrary to the above, from August 5, 1999 to September 4, 1999, the licensee did not monitor occupational exposure to radiation from licensed and unlicensed radiation sources under the control of the licensee and supply and require the use of individual monitoring devices by adults likely to receive, in 1 year from sources external to the body, a dose in excess of 10 percent of the limits in 10 CFR 20.1201(a) (500 millirem in this circumstance). Specifically, the licensee did not have film badge results from an individual monitoring device for a radiographer who performed work in Connecticut for the time period from August 5, 1999 to September 4, 1999. As of November 4, 1999, film badge results indicated a year-to-date total dose of 1170 millirem to the radiographer. Therefore, the radiographer was likely to receive dose in excess of 10 percent of the limits in 10 CFR 20.1201(a). (01014)

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

Pursuant to the provisions of 10 CFR 2.201, Maxim Technologies of New York, Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 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 or severity level, (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, with the basis for your denial, 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, this response shall be submitted under oath or affirmation.

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. 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.

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

Dated this 10th day of January 2000