

APPENDIX ANOTICE OF VIOLATION

Consolidated Edison Company

Docket No. 50-247

Based on the results of an NRC inspection conducted on November 15-16, 1979, it appears that one of your activities was not conducted in full compliance with NRC regulations as indicated below. This is an infraction.

10 CFR 71.3, "Requirement for License" states, "No licensee subject to the regulations in this part shall (a) deliver any licensed materials to a carrier for transport or (b) transport licensed material except as authorized in a general license or specific license issued by the Commission, or as exempted in this part."

10 CFR 71.12 establishes a general license for delivery to a carrier for transport:

"(b) In a package for which a license, certificate of compliance or other approval has been issued by the Commission's Director of Nuclear Material Safety and Safeguards for the Atomic Energy Commission, provided that:

- (1) The person using a package pursuant to the general license provided by this paragraph:
 - (i) Has a copy of the specific license, certificate of compliance, or other approval authorizing use of the package and all documents referred to in the license, certificate, or other approval, as applicable . . ."

Contrary to the above, on September 5, 1979, the licensee delivered approximately 110 curies of radioactive waste material to a carrier for disposal without authorization of a general or specific license, and no exemption to 10 CFR 71 was applicable. Specifically, the licensee did not have copies of all documents referenced by the Certificate of Compliance as required by 10 CFR 71.12(b).