

APPENDIX A
NOTICE OF VIOLATION

Department of the Interior
1300 Airport Lane
North Bend, Oregon 97420

Docket No. 030-09276
License No. 36-15527-01

During an NRC inspection conducted on October 24, 1989, five 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 (1989), the violations are listed below:

- A. 10 CFR 30.3 states, in part, that no person shall possess or use byproduct material except as authorized in a specific or general license issued pursuant to NRC regulations.

License Condition 10 provides that licensed material may be stored at 333 South Fourth Street, Coos Bay, Oregon.

Contrary to the above requirement, the licensee moved its licensed materials and its program to 1300 Airport Lane, North Bend, Oregon without informing NRC of the new address and storage area, and thus without obtaining the necessary license amendment.

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

- B. 10 CFR 71.5 states, in part, that each 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, shall comply with the applicable requirements of the regulations appropriate to the mode of transport of DOT in 49 CFR Parts 170 through 189. 49 CFR 173.415(a) states, in part, that each shipper of a specification 7A package must maintain on file a complete documentation of tests and an engineering evaluation or comparative data showing that the package is constructed in accordance with DOT design requirements.

Contrary to the above requirement, at the time of the inspection, the documentation related to the above mentioned performance tests had not been maintained on file.

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

- C. 10 CFR 71.5 states, in part, that each 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, shall comply with the applicable requirements of the regulations appropriate to the mode of transport of DOT in 49 CFR Parts 170 through 189. 49 CFR 173.476(a) states, in part, that each shipper of special form radioactive material shall maintain on file a complete safety analysis, including documentation of any tests, demonstrating that the special form material meets DOT requirements. An IAEA Certificate of Competent Authority may be used to satisfy this requirement.

Contrary to the above requirement, at the time of the inspection, neither the safety analysis nor the Certificate of Competent Authority had been maintained on file.

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

- D. 10 CFR 71.5 states, in part, that each 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, shall comply with the applicable requirements of the regulations appropriate to the mode of transport of DOT in 49 CFR Parts 170-189.

49 CFR 172.200 states, in part, that each person who offers a hazardous material for transport shall describe the hazardous material on the shipping paper in the manner required by this subpart.

Contrary to the above requirement, shipping papers for at least the last two years have not been prepared when transporting a Campbell Pacific Gauge containing licensed material over public roads via licensee vehicles.

This is a Severity Level V Violation (Supplement VI).

- E. 10 CFR 19.11(a) specifies that each licensee shall post current copies of the following documents: (1) 10 CFR Parts 19 and 20, (2) the license, license conditions or documents incorporated into the license by reference and amendments thereto, and (3) the operating procedures applicable to the licensed activities. 10 CFR 19.11(b) states that if posting of the documents specified in 10 CFR 19.11(a) is not practicable, the licensee may post a notice which describes the documents and states where they may be examined.

Contrary to the above requirements, at the time of inspection, neither the posting of documents required by 10 CFR 19.11(a) nor the notice authorized by 10 CFR 19.11(b) were posted at the licensee's storage location for the gauge in North Bend, Oregon.

This is a Severity Level V Violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, Department of the Interior, Bureau of Land Management, Coos Bay Oregon, 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 V within 30 days of the date of the letter transmitting this 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 if admitted, (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. If an adequate reply is not received within the time specified in this Notice, an order may be issued 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 for good cause shown.

FOR THE NUCLEAR REGULATORY COMMISSION

Dated at Walnut Creek, California
this 14 day of November, 1989

James S. Montgomery
Robert J. Pate, Chief
Nuclear Materials Safety and
Safeguards Branch