

APPENDIX A
NOTICE OF VIOLATION
AND
IMPOSITION OF CIVIL PENALTY

Nuclear Metals, Incorporated
Concord, Massachusetts

License No. SMB-179
EA 81-23

As a result of an NRC inspection conducted on November 20, 1980 at the Nuclear Engineering Company, Richland, Washington burial site, of a shipment of radioactive waste shipped from your facility in Concord, Massachusetts on November 12, 1980, the NRC proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 USC 2282, P.L. 96-295), 10 CFR 2.205 of the Commission's regulations and in accordance with the Interim Enforcement Policy as published in the Federal Register (45 FR 66754) October 7, 1980, in the amount set forth below for the following violation:

10 CFR 71.5(a) requires that NRC licensees comply with the applicable packaging and transportation requirements of the Department of Transportation (DOT) in 49 CFR Parts 170-189.

1. 49 CFR 173.392(c)(1) requires that packaged shipments of low specific activity (LSA) materials transported in exclusive use vehicles must be packaged in strong, tight packages so that there will be no leakage of radioactive material under conditions normally incident to transportation.

Contrary to the above, on November 12, 1980, the licensee delivered LSA radioactive material to a carrier for exclusive use vehicle transport in a package which was not a strong, tight package and leakage of radioactive liquid material occurred from Drum No. 58.

This is a Severity Level III violation (Supplement V.C.1)
(Civil Penalty - \$5,000).

Pursuant to the provisions of 10 CFR 2.201, Nuclear Metals, Incorporated is hereby required to submit to this office within twenty-five days of the date of this Notice, a written statement or explanation in reply, including, for each violation: (1) admission or denial of the alleged violation; (2) the reasons for the violation if admitted; (3) the corrective steps which have been taken and the results achieved; (4) corrective steps which will be taken to avoid further noncompliance; and (5) the date when full compliance will be achieved. Under the authority of Section 182 of the Atomic Energy Act of 1954, as amended, this response shall be submitted under oath or affirmation.

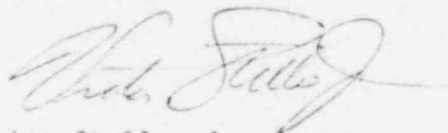
Nuclear Metals, Incorporated may, within twenty-five days of the date of this Notice pay the civil penalty in the amount of Five Thousand Dollars or may protest the imposition of the civil penalty in whole or in part by a written answer. Should Nuclear Metals, Incorporated fail to answer within the time specified, this office will issue an order imposing the civil penalty in the amount proposed above. Should Nuclear Metals, Incorporated elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, such

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answer may: (a) deny the item of noncompliance listed in the Notice of Violation in whole or in part; (b) demonstrate extenuating circumstances; (c) show error in the Notice of Violation; or (d) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty. 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 by specific reference (e.g., giving page and paragraph numbers) to avoid repetition.

Nuclear Metals, Incorporated's attention is directed to the other provisions of 10 CFR 2.205 regarding, in particular, failure to answer and ensuing orders; answer, consideration by this office, and ensuing orders; requests for hearings, hearings and ensuing orders; compromise; and collection.

Upon failure to pay any civil penalty due which has been subsequently determined in accordance with the applicable provisions of 10 CFR 2.205, the 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 Atomic Energy Act of 1954, as amended (42 USC 2282).



Victor Stello, Jr.
Director
Office of Inspection and Enforcement

Dated at Bethesda, Maryland
this 26th day of February, 1981