

APPENDIX A
NOTICE OF VIOLATION

Buffalo X-Ray Company
Buffalo, New York 14304

Docket No: 99990001
License No: General License

As a result of the inspection conducted on July 30, 1981, and in accordance with the Interim Enforcement Policy, 45 FR 66754 (October 7, 1980), the following violations were identified.

10 CFR 150.20 states that persons who hold a specific license from an Agreement State are granted a NRC general license to conduct the same activity in a Non-Agreement State provided certain specified requirements are met. These requirements include that the general license comply with the provisions of 10 CFR 19, 10 CFR 20, Subpart B of 10 CFR 34 and 10 CFR 71.

- A. 10 CFR 34.29(b) requires that each entrance used for personnel access to the high radiation area in a permanent radiographic installation have both visible and audible warning signals to warn of the presence of radiation. The visible signal must be actuated by radiation whenever the source is exposed and the audible signal must be activated when an attempt is made to enter the installation while the source is exposed.

Contrary to this requirement, as of the day of the inspection, July 30, 1981, the permanent radiographic installation located in your Erie, Pennsylvania facility did not have the required warning signals installed.

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

- B. 10 CFR 71.5(a) requires, in part, that you deliver any licensed material to a carrier for transport, only if you 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 insofar as such regulations relate to the packaging of byproduct source, or special nuclear material, marking and labeling of the packages, loading and storage of packages, placarding of the transportation vehicle, monitoring requirements and accident reporting.
1. 49 CFR 173.394(b) that packages used for the transportation of Type B quantities of special form radioactive materials meet certain specified criteria.

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Contrary to this requirement, as of the day of the inspection, July 30, 1981, you have routinely transported Type B quantities of iridium-192 in your Gamma Century Model A2A radiography device, a package which does not meet the specified criteria.

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

2. 49 CFR 172.504 requires that any vehicle used for transport of packages bearing Radioactive Yellow III labels be placarded on each side and each end with the word "Radioactive".

Contrary to this requirement, as of the day of the inspection, July 30, 1981, you have transported your Gamma Century Model A2A radiography device bearing a Radioactive Yellow III label without the required placarding of your vehicle.

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

Pursuant to the provisions of 10 CFR 2.201, Buffalo X-Ray Company is hereby required to submit to this office within thirty days of the date of this Notice, a written statement or explanation in reply, including: (1) the corrective steps which have been taken and the results achieved; (2) corrective steps which will be taken to avoid further violations; and (3) 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. Where good cause is shown, consideration will be given to extending your response time.

The responses directed by this Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL 96-511.

Dated OCT 09 1981

Original Signed By:

John D. Kinneman, Chief
Materials Radiological Protection
Section

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