

APPENDIX A
NOTICE OF VIOLATION

Nuclear Metals, Inc.
Concord, Massachusetts 01742

Docket No. 040-00672
License No. SUB-179

As a result of the inspection conducted on September 12-13, 1990, and in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C (Enforcement Policy) (1988), the following violation was identified:

10 CFR 71.5(a) requires that licensees who transport licensed material outside the confines of their plant or deliver licensed material to a carrier for transport comply with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation (DOT) in 49 CFR Part 170-189.

49 CFR 173.418 requires that the contents of a package of pyrophoric radioactive materials be free of water and any contaminants which would increase the reactivity of the material.

Contrary to the above, in May 1989, the licensee made a shipment of pyrophoric radioactive material (depleted uranium turnings) which contained sufficient water to cause a reaction resulting in heat and smoke in apparent violation of 10 CFR 71.5(a).

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

Pursuant to the provisions of 10 CFR 2.201, Nuclear Metals, Incorporated is hereby required to submit to this office within thirty days of the date of the letter which transmitted 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. Where good cause is shown, consideration will be given to extending this response time.

9011280082 901114
REG1 LIC30
20-02217-05 PDC

OFFICIAL RECORD COPY

IR NUCLEAR METALS - 0003.0.0
11/06/90

Return Original to Region I IE:07