

APPENDIX

NOTICE OF VIOLATION

Dyna Jet, Inc.

Docket: 30-13233
License: 49-17724-01

As a result of the inspection conducted on June 26, 1982, and in accordance with the NRC Enforcement Policy (10 CFR Part 2, Appendix C), 47 FR 9987 (March 9, 1982), the following violations were identified:

1. 10 CFR 71.5(a) requires, in part, that no licensee shall transport any licensed material outside the confines of his plant or other place of use, or deliver any licensed material to a carrier for transport unless the licensee complies with the applicable requirements of the regulations appropriate to the mode of transport of the Department of Transportation in 49 CFR Parts 170-189.

- a. 49 CFR 172.200(a) requires, in part, that each person who offers a hazardous material on the shipping paper in the manner required by Subpart C of Part 172.

Contrary to this requirement, shipping papers were not provided for packages containing Type A quantities of radioactive material transported on public highways of the State of Wyoming during the period December 1978 to June 1982.

- b. 49 CFR 173.394(a)(1) requires, in part, that each shipper of a Specification 7A package must maintain on file a complete certification and supporting safety analysis demonstrating that the construction methods, package design, and materials of construction are in compliance with the specification.

Contrary to this requirement, the licensee did not have the Specification 7A package certification for Type A quantities of radioactive material transported on public highways in the State of Wyoming during the period December 1978 to June 1982.

- c. 49 CFR 173.398(a), Note 1, requires, in part, that each shipper of special form radioactive material shall maintain on file for at least one year after the last shipment, a complete certification and supporting safety analysis demonstrating that the special form material meets the requirements of paragraph (a) of that section.

Contrary to this requirement, the licensee did not have the certification for special form radioactive material transported on public highways in the State of Wyoming during the period December 1978 to June 1982.

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

2. License Condition 16 requires, in part, that licensed material be used in accordance with statements, representations, and procedures contained in the license application dated August 20, 1977.

Section 3.4 of the Radiation Safety Procedures Manual, submitted as part of the application dated August 20, 1977, states, in part, that a Radioactive Contamination Inspection Data Sheet would be completed for every tracer operation, and that copies of this form would be maintained on file.

Contrary to this requirement, no Radioactive Contamination Inspection Data Sheets were maintained for tracer operations completed during the period March 1979 to June 1982.

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

3. 10 CFR 20.401(b) requires, in part, that each licensee shall maintain records showing the results of surveys required by 10 CFR 20.301(b). 10 CFR 20.301(b) references 10 CFR 20.302 which describes the method for obtaining approval of proposed disposal procedures. Such procedures were submitted with the license application (Procedures Item 15) and are incorporated by reference in License Condition 16.

Contrary to these requirements, records of radiation surveys of waste for disposal were not maintained during the period December 1978 to June 1982.

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

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Pursuant to the provisions of 10 CFR 2.201, Dyna Jet, Inc., is hereby required to submit to this office, within 30 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) the corrective steps which will be taken to avoid further violations; and
- (3) the date when full compliance will be achieved.

Consideration may be given to extending your response time for good cause shown.

Dated AUG 04 1982