

APPENDIX

NOTICE OF VIOLATION

State of Montana Department of Highways  
Materials Bureau

Docket: 30-05179  
License: 25-11498-01

As a result of the inspection conducted on August 4, 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. License Conditions 7.B and 8.B authorize the possession and use of Troxler Electronic Corporation, Drawing A-102112, sealed sources not to exceed 7.6 millicuries of cesium-137 each.

Contrary to this requirement, the licensee on August 4, 1982, possessed four Troxler Electronic Corporation, Drawing A-102112, sealed sources that exceeded 7.6 millicuries of cesium-137 each. Specifically, one source of 8.4 millicuries, one source of 8.2 millicuries, and two sources of 8.0 millicuries each.

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

2. 10 CFR 20.102(a) requires that the licensee require each individual, prior to first entry into the licensee's restricted area under such circumstances that the individual is likely to receive in any period of one calendar quarter an occupational dose in excess of 25 percent of the standards specified in 20.101(a), to disclose in a written, signed statement, either (1) that the individual had no prior occupational dose during the current calendar quarter, or (2) the nature and amount of any occupational dose which the individual may have received during the specifically identified current calendar quarter from sources of radiation possessed or controlled by other persons.

Contrary to this requirement, signed statements indicating either the individual had no prior occupational dose, or the nature and amount of the occupational dose which may have been received, were not obtained upon hire for three employees using moisture density gauges during the period February 7, 1979 to August 4, 1982.

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

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3. 10 CFR 71.5(a) requires, in part, that no licensee shall transport any licensed material outside of 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 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 for transportation shall describe the hazardous material on the shipping paper in the manner required by Subpart C of Part 172.

Contrary to this requirement, shipping papers had not been provided for packages containing Type A quantities of radioactive material transported on public highways of the State of Montana during the period February 7, 1979 to August 4, 1982.

b. 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 possess the certification for all special form material transported on public highways in the State of Montana during the period February 7, 1979 to August 5, 1982.

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

Pursuant to the provisions of 10 CFR 2.201, State of Montana Department of Highways, Materials Bureau, 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 \_\_\_\_\_