

NOTICE OF VIOLATION

Soil Engineers & Scientists, Inc.
Trenton, Michigan

License No. 21-26066-01
Docket No. 030-31333

During an NRC inspection conducted on August 18, 1993, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violations are listed below:

1. Condition 13.A of License No. 21-26066-01 requires, in part, that sealed sources containing byproduct material be tested for leakage and/or contamination at intervals not to exceed six months.

Contrary to the above, as of August 18, 1993, sealed sources containing cesium-137 and americium-241, in two Troxler Model 3411B gauges, had not been tested for leakage and/or contamination since July 2, 1992, an interval exceeding six months. Moreover, sealed sources containing cesium-137 and americium-241, in a Troxler Model 3430 gauge, had not been tested for leakage and/or contamination between July 2, 1992, and July 20, 1993, an interval exceeding six months.

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

2. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside the confines of its plant or other places of use, or who delivers 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 in 49 CFR Parts 170 through 189.

49 CFR 172.200(a) requires, with exceptions not applicable here, that each person who offers a hazardous material for transportation describe the hazardous material on the shipping paper in the manner required by subpart C of 49 CFR Part 172. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

49 CFR 172.201(d) requires that a shipping paper contain an emergency response telephone number, as prescribed in subpart G of 49 CFR Part 172.

49 CFR 172.203(c) requires that the letters "RQ" be entered on the shipping paper either before or after the basic description required for each hazardous substance.


Contrary to the above, since approximately October 19, 1990, the licensee transported licensed material to temporary job sites, and the shipping paper that accompanied the shipment did not contain an emergency response telephone number, nor were the letters "RQ" entered either before or after the description required for a hazardous substance.

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

Pursuant to the provisions of 10 CFR 2.201, Soil Engineers & Scientists, Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, Region III, 801 Warrenville Road, Lisle, Illinois, 60532-4351, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a demand for information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

MAR 7 1994

Dated



John A. Grobe, Chief
Nuclear Materials Inspection
Section 2