

APPENDIX

NOTICE OF VIOLATION

Department of the Air Force
Brooks Air Force Base, Texas 78235

Docket: 030-28641
License: 42-23539-01AF

During an NRC inspection conducted on March 1, 1994, one violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violation is listed below:

- A. 10 CFR 71.5(a) requires that a licensee who transports licensed material outside of the confines of its plant or other place 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 (DOT) in 49 CFR Parts 170 through 189.

49 CFR 173.421-1(a) requires, in part, that a limited quantity of radioactive material be certified as being acceptable for transportation by having a notice enclosed in or on the package. This notice must include the name of the consignor or consignee and the statement: "This package conforms to the conditions and limitations specified in 49 CFR 173.421 for excepted radioactive material, limited quantity, n.o.s., UN2910."

Contrary to the above, the licensee delivered to a carrier for transport 30 millicuries of nickel-63, a "limited quantity" of radioactive material, and did not have a notice enclosed in or on the package with the required statement concerning the conformance of the package.

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

Pursuant to the provisions of 10 CFR 2.201, Department of the Air Force is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, 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 to show cause 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.

Dated at Arlington, Texas
this 31st day of March 1994

9404050255 940331
PDR ADOCK 03026B41
C PDR

bcc:
 DMB - Original (IE-07)
 LJCallan
 SLCollins
 RAScarano, DRSS/RIV
 LWCamper
 MMessier, OC/LFDCB (4503)
 *WLFisher
 *CLCain
 *MLMcLean
 JLMontgomery, WCFO
 GPYuhas, WCFO
 JASmith, NMSS (6 H3)
 *NMIB
 *MIS System
 *RIV Files (2)

 *W/IFS Form

RIV:NMIB	C:NMIB <i>te</i>	ADD:DRSS <i>te</i>	D:DRSS <i>te</i>	
MLMcLean <i>MM</i>	CLCain <i>te</i>	LWCamper <i>te</i>	SJCollins	
03/30/94	03/31/94	03/31/94	03/31/94	