

APPENDIX

NOTICE OF VIOLATION

Department of the Army  
Corps of Engineers  
Little Rock, Arkansas

Docket No. 030-19089/90-01  
License No. 03-19683-01

During an NRC inspection conducted on October 29-30, 1990, 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 (1990), the violations are listed below:

- A. Condition 21 requires, in part, that licensed material be possessed and used in accordance with statements, representations, and procedures contained in the application dated March 3, 1981.

Item No. 7 of this application specifies by name the individual to serve as the radiation safety officer.

Contrary to the above, the individual designated as the radiation safety officer (RSO) discontinued his function as RSO on August 31, 1990, and the licensee continued to use licensed material without assigning a successor.

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

- B. Condition 15.A requires that sealed sources contained in Troxler Model 3400 series moisture/density gauges be tested for leakage and/or contamination at intervals not to exceed 6 months.

Contrary to the above, Troxler moisture/density gauges, Serial Nos. 11250 and 8059 containing sealed sources of Cs-137 and Am-241, were not tested for contamination or leakage from July 2, 1987, to June 1, 1988.

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

- C. 10 CFR 30.51(a) requires, in part, that each person who receives byproduct material keep records showing the receipt, transfer, and disposal of byproduct material.

Contrary to the above, a Troxler moisture/density gauge containing sealed sources of byproduct material, was transferred to a gauge service company between 1988 and 1990 for calibration without the licensee maintaining a record of transfer.

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

- D. Condition 11.A requires that licensed materials be used by, or under the supervision and in the physical presence of, specifically named individuals.

Contrary to the above, between 1988 and 1990 an individual routinely used a Troxler gauge containing licensed materials when not in the physical presence of an individual specifically named in the Condition.

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

Pursuant to the provisions of 10 CFR 2.201, Department of the Army, Corps of Engineers, 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, 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 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. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Dated at Arlington, Texas  
this 4th day of December 1990