

APPENDIX 3

NOTICE OF VIOLATION

NDL Organization, Inc.
Peekskill, New York 10561

Docket No. 030-19705
License No. 31-12000-02

As a result of the inspection conducted on October 24, 1990, and in accordance with the NRC Enforcement Policy (10 CFR 2, Appendix C), the following violations were identified:

- A. Condition 15 of License No. 31-12000-02 requires that licensed material be possessed and used in accordance with statements, representations and procedures contained in an application dated April 27, 1987.

Item C.1 of Appendix IV of the "Operations Manual" enclosed with this application, requires that each driver/serviceman be audited quarterly on return to the warehouse by the Radiation Safety Officer or his designee.

Contrary to the above, as of November 15, 1990, audits were performed at less than quarterly frequency. Specifically, one driver/serviceman was not audited from January 10, 1990 to October 31, 1990.

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

- B. 10 CFR Part 71.87 (j) requires that external radiation levels around a package and a vehicle not exceed the limits in 10 CFR Part 71.47 at any time during transportation.

10 CFR Part 71.47 requires that for packages transported as exclusive use radiation levels external to the package must not exceed:

- a) 200 millirem/hour on the accessible external surface of the package
- b) 200 millirem/hour at any point on the outer surface of the vehicle, including the upper and lower surfaces
- c) 10 millirem/hour at any point two meters from the vertical planes represented by the outer lateral surfaces of the vehicle

Contrary to the above, on several occasions between May 25, 1988, and November 15, 1990, shipments containing packages labelled as Radioactive Yellow III did not have surveys performed to determine that the radiation limits in 10 CFR 71.47 were not exceeded.

OFFICIAL RECORD COPY

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

- C. 10 CFR 20.401(b) states that each licensee shall maintain records in the same units used in this part showing the results of surveys required by 10 CFR 20.201(b).

Contrary to the above, as of November 15, 1990, records of wipe tests for non-fixed contamination on packages being transported for disposal were maintained in counts per minute and not disintegrations per unit time or curies as specified in 10 CFR 20.5.

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

Pursuant to the provisions of 10 CFR 2.201, NDL Organization, Inc. is hereby required to submit to this office within thirty days of the date of the letter which transmitted this Notice, a written statement or explanation in reply including: (1) the corrective steps which have been taken and the results achieved; (2) corrective steps which will be taken to avoid further violations; and (3) the date when full compliance will be achieved. Where good cause is shown, consideration will be given to extending this response time.