

APPENDIX A

NOTICE OF VIOLATION

Czop/Specter, Inc.
Worcester, Pennsylvania 19490

Docket No. 030-33249
License No. 37-30059-01

During an NRC inspection conducted on January 11, 1994, 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:

- 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.
1. 49 CFR 173.412(b) requires, in part, that Type A packaging shall be designed so that the outside of the packaging incorporate a feature, such as a seal, that is not readily breakable, and that, while intact, is evidence that the package has not been opened.

Contrary to the above, as of January 11, 1994, the licensee routinely shipped Type A packaging outside the confines of its plant that was not designed so that the outside of the packaging incorporated a feature, such as a seal, that was not breakable, and that, while intact, was evidence that the package had not been opened. Specifically, the Type A packaging used to transport the licensee's portable moisture/density gauge was not padlocked.

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

2. 49 CFR 177.817(a) requires that a carrier not transport a hazardous material unless it is accompanied by a shipping paper prepared in accordance with 49 CFR 172.200-203. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

Contrary to the above, as of January 11, 1994, the licensee routinely transported a portable moisture/density gauge containing approximately 8 millicuries of cesium-137 and 44 millicuries of americium-241 outside the confines of its plant without shipping papers.

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

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3. 49 CFR 177.834(a) requires, in part, that packaging not permanently attached to the motor vehicle and containing radioactive material must be secured against movement within the vehicle on which it is being transported, under conditions normally incident to transportation.

Contrary to the above, as of January 11, 1994, the licensee routinely transported a portable moisture/density gauge containing approximately 8 millicuries of cesium-137 and 44 millicuries of americium-241 outside the confines of its plant, and the package containing the gauge was not secured against movement within the vehicle. Specifically, the package was placed in the back of the licensee's minivan without any blocking or bracing allowing the package to move around in the back of the minivan.

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

- B. Condition 11.A. of License No. 37-30059-01 requires, in part, that the licensee maintain records of individuals designated as users for 3 years following the last use of licensed material by the individual.

Contrary to the above, as of January 11, 1994, the licensee did not maintain the record of an individual designated as a user for 3 years following the last use of licensed material by the individual. Specifically, the licensee never obtained a copy of the manufacturer's training program certificate prior to designating the individual as a user.

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

- C. Condition 18 of License No. 37-30059-01 requires, in part, that the licensee conduct its program in accordance with the statements, representations, and procedures contained in the letter dated August 25, 1993.

Item B.4. of your Operation Procedures contained in your August 25, 1993 letter requires, in part, that TLD (i.e., thermoluminescent dosimeters) badges be assigned to specific personnel when using the equipment (i.e., portable moisture/density gauge) and that the badges be capable of monitoring both gamma and neutron radiation.

Contrary to the above, as of January 11, 1994, the licensee did not assign TLD badges capable of monitoring gamma and neutron radiation to personnel who used the gauge. Specifically, the thermoluminescent dosimeters assigned to the personnel who used the gauge could only monitor gamma radiation.

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

- D. 10 CFR 19.11(a) and (b) require, in part, that the licensee post current copies of Part 19, Part 20, the license, license conditions, documents incorporated into the license, license amendments and operating procedures; or that the licensee post a notice describing these documents and where they may be examined. 10 CFR 19.11(c) requires that a licensee post Form NRC-3, "Notices to Employees".

Contrary to the above, as of January 11, 1994, the licensee did not post any of the required documents or notices.

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

- E. 10 CFR 20.1902(e) requires that the licensee post each area or room in which certain amounts of licensed material, specified in Section 20.1902(e), are used or stored, with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION - RADIOACTIVE MATERIAL(S)" or "DANGER, RADIOACTIVE MATERIAL(S)".

Contrary to the above, as of January 11, 1994, your storage room for your portable moisture/density gauge in Oxford, Pennsylvania, an area or room in which approximately 8 millicuries of cesium-137 and 44 millicuries of americium-241 was stored, was not posted with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION - RADIOACTIVE MATERIAL(S)" or "DANGER, RADIOACTIVE MATERIAL(S)".

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

- F. 10 CFR 21.6(a) and (b) requires, in part, that the licensee post current copies of the following documents, Part 21 and the procedures adopted pursuant to the regulations in this part or the licensee may post a notice which describes the regulations/procedures, including the name of the individual to whom reports may be made and states where they may be examined.

Contrary to the above, as of January 11, 1994, the licensee did not post any of the required documents or notices.

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

Pursuant to the provisions of 10 CFR 2.201, Czop/Specter, Inc. 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 I, 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.