

NOTICE OF VIOLATION

McDowell and Associates
Ferndale, Michigan

License No. 21-18724-01
Docket No. 030-14088

During an NRC inspection conducted on May 9, 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:

10 CFR 71.5(a) requires that a licensee who transports licensed material outside 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 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, since at least March 15, 1991, the licensee transported gauges containing americium-241 and cesium-137, and the shipping papers that the licensee used to accompany the shipments were not prepared in accordance with 49 CFR 172.200-203. Specifically, the shipping papers did not contain an emergency response telephone number as required by 49 CFR 172.201(d), nor were the letters "RQ" entered either before or after the basic description required for each hazardous substance as required by 49 CFR 172.203(c).

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

2. 49 CFR 172.602 requires, in part, that emergency response information accompany the shipment of a hazardous material.

Contrary to the above, since at least March 15, 1991, emergency response information did not accompany the shipments of hazardous materials, specifically gauges containing americium-241 and cesium-137.


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

Pursuant to the provisions of 10 CFR 2.201, McDowell and Associates 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.

MAY 25 1994

Date



John D. Jones, Acting Chief
Nuclear Materials Inspection
Section 2