

APPENDIX A

NOTICE OF VIOLATION

Toshiba America, Inc.
Irvine, California 92713-9724

Docket No. 030-30685
License No. 04 -23699-01

During an NRC inspection conducted on April 12, 1994, a violation of NRC requirements is 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:

10 CFR 30.3 requires that, except for persons exempt as provided in this Part and Part 150 of this Chapter, no person shall manufacture, produce, transfer, receive, acquire, own, possess or use byproduct material except as authorized in a specific or general license issued pursuant to the regulations in this Chapter.

10 CFR 30.36(c) requires, in part, that if a licensee does not submit an application for renewal, not less than thirty days prior to the expiration of this existing license, the licensee shall, on or before the expiration date specified in the license, properly dispose of the material and submit the information required by 10 CFR 30.36(c)(1) (i through v).

Contrary to the above, as of April 12, 1994, the licensee did not submit an application for renewal of License No. 04-23699-01, Docket No. 030-30685 and has not disposed licensed material. Specifically, on April 12, 1994, the licensee possessed 73 lamp units containing nickel-63 in parts 10019332, 12011006 and 12009035, at their facility in Parsippany, New Jersey.

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

Pursuant to the provisions of 10 CFR 2.201, Toshiba America, 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.

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