

NOTICE OF VIOLATION

McDowell and Associates
Ferndale, Michigan 48220

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

As a result of the inspection conducted on November 16, 1990, and in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, (1990) (Enforcement Policy) the following violations were identified:

License Condition No. 16 requires the licensee to transport licensed material or deliver licensed material to a carrier for transport in accordance with the provisions of Title 10, Code of Federal Regulations, Part 71. 10 CFR 71.5(a) requires, in part, that the licensee comply with applicable requirements of the Department of Transportation in 49 CFR Parts 170-189.

- A. 49 CFR 177.817(a) provides that a carrier may not transport a hazardous material unless it is accompanied by a shipping paper that is prepared in accordance with Sections 172.201, 172.202 and 172.203 of Subchapter C.

Contrary to the above, since the previous inspection on June 28 through July 13, 1989, the licensee routinely transported hazardous licensed material that was not accompanied by shipping papers containing information required by 49 CFR 177.817(a) and 49 CFR 172.201, 172.202 and 172.203 of Subchapter C.

This is a repeat violation.

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

- B. 49 CFR 177.817(e)(2) requires the driver of a motor vehicle containing hazardous material to ensure that the shipping paper required by this section is readily available, and recognizable by authorities in the event of accident or inspection.

Contrary to the above, since the previous inspection on June 28 through July 13, 1989, the licensee routinely transported hazardous licensed material and did not ensure that the shipping paper was readily available and recognizable by authorities in the event of accident or inspection.

Specifically, the shipping paper was located in an envelope marked only with the number of the gauge and placed on the seat next to the driver.

This is a repeat violation.

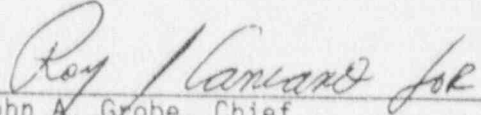
This is a Severity Level IV Violation (Supplement V).

9101110047 901228
REG3 LIC30
21-18724-01 PDR

Pursuant to the provisions of 10 CFR 2.201, you are required to submit to this office within thirty days of the date of this Notice a written statement or explanation in reply, including for each violation: (1) the corrective steps that have been taken and the results achieved; (2) the corrective steps that will be taken to avoid further violations; and (3) the date when full compliance will be achieved. Consideration may be given to extending your response time for good cause shown.

DEC 28 1990

Dated _____



John A. Grobe, Chief
Nuclear Materials Safety Branch