

NOTICE OF VIOLATION

Raba-Kistner Consultants, Inc.
San Antonio, Texas 78249

Docket: 030-31691
License: 42-27031-01

During an NRC inspection conducted on December 20, 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 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 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.

49 CFR 172.203(c) requires that the letters "RQ" be entered on the shipping paper either before or after the basic description required for each hazardous substance.

Contrary to the above, on several occasions between February 1991 and December 1994, the licensee transported outside the confines of its plant sealed sources of americium-241 and cesium-137 containing approximately 40 millicuries and 8 millicuries, respectively, and the letters "RQ" were not entered either before or after the hazardous material description on the shipping paper that accompanied the shipment.

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

2. 49 CFR 172.702(a) requires that a hazmat employer ensure that each of its hazmat employees is trained in accordance with the requirements prescribed in 49 CFR 172.700-704.

49 CFR 172.704(c)(1)(i) requires that training for a hazmat employee employed on or before July 2, 1993, shall be completed prior to October 1, 1993. 49 CFR 172.704(c)(2) requires that the hazmat employee receive this training at least once every 2 years.

Contrary to the above, as of December 20, 1994, hazmat employees employed by the licensee prior to July 2, 1993, had not completed the required recurrent hazmat training.

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

Pursuant to the provisions of 10 CFR 2.201, Raba-Kistner Consultant, 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 IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011, 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. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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.

Dated at Arlington, Texas
this 23rd day of February 1995