

APPENDIX A

NOTICE OF VIOLATION

U.S. Department of Agriculture
Washington, District of Columbia

Docket Nos. 030-04530

License Nos. 19-00915-03

During an NRC inspection conducted on December 14 and 15, 1994, a violation of NRC requirements was 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 30.41(c) requires that, prior to transferring byproduct material, the licensee verify that the transferee's license authorizes the receipt of the type, form, and quantity of byproduct material to be transferred. 10 CFR 30.41(d) specifies acceptable methods for this verification.

Contrary to the above, during 1993 and 1994, the licensee transferred 7 portable gauges containing byproduct material to Nuclear Support Services, formerly know as Corcoran Enterprises, Inc., which were not authorized for receipt. Prior to the transfer, the licensee did not verify by an acceptable method that the transferee's license authorized receipt of this material.

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

Pursuant to the provisions of 10 CFR 2.20, the United States Department of Agriculture 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. 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.

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