

NOTICE OF VIOLATION

Soil and Materials, Inc.
San Juan, Puerto Rico

Docket No. 030-17121
License No. 52-19193-01

During an NRC inspection conducted March 1, 1995, 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:

- A. License Condition No. 12 of NRC license No. 52-19193-01 requires that licensed material be used by, or under the supervision and in the physical presence of, a specified individual or individuals who have completed the Campbell Pacific Nuclear Training Course given by the manufacturer or Brainard-Kilman Drill Company. Copies of the certificate of training for each user shall be maintained by the licensee.

Contrary to the above, between January 1994 and March 1, 1995, the licensee allowed a properly trained individual to perform licensed activities, but failed to maintain a copy of the individual's certificate of training.

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

- B. 10 CFR 71.5 requires each licensee who transports licensed material outside the confines of its plant to comply with the applicable requirements of the regulations appropriate to the mode of transport of Department of Transportation in 49 CFR Parts 170 through 189.

1. 49 CFR 172.304 requires, in part, that package markings be durable.

Contrary to the above, as of March 1, 1995, two of the licensee's packages used to transport licensed material did not have durable markings in that the markings had faded and were illegible.

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

2. 49 CFR 177.817(e) requires, in part, that the driver of a motor vehicle containing hazardous material ensure that the shipping paper is readily available to, and recognizable by, authorities in the event of accident or inspection. Specifically, (i) when the driver is at the vehicle's controls, the shipping paper shall be: (A) within his immediate reach while he is restrained by the lap belt; and (B) either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle; (ii) when the driver is not at the vehicle's controls, the shipping paper shall

Enclosure

9504140029 950331
PDR ADOCK 03017121
C PDR

be: (A) in a holder which is mounted to the side of the door on the driver's side of the vehicle; or (B) on the driver's seat in the vehicle. Pursuant to 49 CFR 172.101, radioactive material is classified as a hazardous material.

Contrary to the above, as of March 1, 1995, the licensee transported hazardous material (moisture and density nuclear gauges containing byproduct material (Cesium-137 and Americium-241)) outside the confines of its plant and the driver of the vehicle did not ensure that the shipping papers were readily available in the driver's compartment, as required. Specifically, the shipping papers were confined either inside the package or in a holder in the back of the vehicle cabin, not readily visible to a person entering the driver's compartment.

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

3. 49 CFR 172.202(a) and (b) require in part, with exceptions not applicable here, that the shipping description of a hazardous material on the shipping paper include, in the following sequence: (1) the proper shipping name prescribed for the material in 172.101 or 172.102, (2) the hazard class, (3) the identification number, and (4) the total quantity by weight or volume. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

Contrary to the above, as of March 1, 1995, the licensee transported byproduct material outside the confines of its plant, and the shipping description on the shipping paper that accompanied the shipment did not include the hazard class.

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

4. 49 CFR 173.25 requires, in part, for packages containing hazardous materials and offered for transportation in an overpack, that: (1) the overpack be marked with the proper shipping name and identification number, and labeled as required by 49 CFR Parts 171-177 for each hazardous material contained therein unless markings and labels representative of each hazardous material in the overpack are visible; and (2) the overpack be marked with a statement indicating that the inside (inner) packages comply with prescribed specifications when specification packagings are required, unless specification markings on the inside packages are visible. Pursuant to 49 CFR 172.101, radioactive material is classified as hazardous material.

Contrary to the above, as of March 1, 1995, the licensee offered for transportation in an overpack, byproduct material that was not marked with the proper shipping name (radioactive contents) and

Enclosure

identification number, nor with any statement indicating that the inner package complied with the prescribed specifications; and the markings on the inside package were not visible.

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

- C. License Condition No. 8.A and 8.B of NRC license No. 52-19193-01 requires, in part, that licensee limit the amount byproduct material possessed to a maximum of 4 sources of Cs-137; not to exceed 10 millicuries (mCi) per source, and 4 sources of Am-241; not to exceed 50 mCi per source.

Contrary to the above, as of March 1, 1995, the licensee failed to limit the amount of byproduct material possessed. Specifically, the licensee possessed seven sources of Cs-137 and seven sources of Am-241; containing 10 and 50 mCi respectively.

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

Pursuant to the provisions of 10 CFR 2.201, Soil and Materials, 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 copies to the Regional Administrator, Region II, and Chief, Nuclear Materials Inspection Section, Region II, 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 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 Atlanta, Georgia
This 31st day of March 1995