

NOTICE OF VIOLATION

ABI Laboratory
Philadelphia, PA

Docket No. 030-33841
License No. 37-30215-01

During an NRC inspection conducted on May 16, 1996 and June 7, 1996, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," (Enforcement Policy), NUREG 1600, the violations are listed below:

- A. Condition 19 of License No. 37-30215-01 requires that licensed material be possessed and used in accordance with the statements, representations, and procedures contained in a letter dated May 23, 1995.

Item 6 of the letter dated May 23, 1995 states, in part, that the licensee's survey meter will be calibrated every six months and will be checked with a dedicated check source before use.

Contrary to the above, as of May 16, 1996, the licensee's survey meter was last calibrated on May 25, 1995, a period exceeding six months and the licensee did not have a dedicated check source to check the survey meter before use.

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

- B. 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.

Contrary to the above, from November 1995 through May 16, 1996, the licensee transported 8 millicuries of Cesium-137 and 40 millicuries of Americium-241 outside the confines of its plant without a shipping paper.

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

2. 49 CFR 172.403 requires, in part, with exceptions not applicable here, that each package of radioactive material be labeled, as appropriate, with two RADIOACTIVE WHITE-I, RADIOACTIVE YELLOW-II, or RADIOACTIVE YELLOW-III labels on opposite sides of the package. The contents, activity, and transport index must be entered in the blank spaces on the label.

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REGION I**

Notice of Violation

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Contrary to the above, from November 1995 through May 16, 1995, the licensee transported 8 millicuries of Cesium-137 and 40 millicuries of Americium-241, and the RADIOACTIVE label affixed to the package did not identify the contents, activity or the transport index.

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

Pursuant to the provisions of 10 CFR 2.201, ABI Laboratory 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.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.